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IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

WMCA, INC., R. PETER STRAUS, JOSEPH DE MAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. McCAFFERTY,

Plaintiffs-Appellants,

and

PAUL R. SCREVANE, President of the City Council of the City of New York; EUGENE H. NICKERSON, County Executive, Nassau County; and MAURICE J. O'ROURKE, JAMES POWER, Commissioners, Board of Elections, New York City,

Supporting Defendants-Appellants,

against

JOHN P. LOMENZO, Secretary of State of the State of New York; LOUIS J. LEFKOWITZ, Attorney General of the State of New York; FRANCIS X. O'ROURKE, Chairman, Board of Supervisors, Westchester County; WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County; and JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City,

Defendants-Appellees,

and

JOHN H. HUGHES and LAWRENCE M. RULISON,

Intervening Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

APPELLANTS' JOINT JURISDICTIONAL STATEMENT

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IN THE

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No. .....

WMCA, INC., *et al.*,

Appellants,

v.

JOHN P. LOMENZO, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

APPELLANTS' JOINT JURISDICTIONAL STATEMENT

Opinion Below

The opinion of the three-judge district court has not been reported. A copy is set forth in Appendix A, *infra*. The prior opinions of that court, dismissing the complaint, are reported at 202 F. Supp. 741 and 208 F. Supp. 368. The opinion of this Court vacating the first judgment of dismissal and remanding the case for reconsideration in the light of *Baker* v. *Carr*, 369 U. S. 186, is reported at 370 U. S. 190. The opinion of this Court reversing the second judgment of dismissal and remanding the case for further proceedings consistent with the views stated therein and in the opinion in *Reynolds* v. *Sims*, 377 U. S. 533, is

reported at 377 U. S. 633. The prior opinion of this Court (*Hughes* v. *WMCA, Inc.*, decided February 1, 1965), affirming the judgment of the three-judge court dated July 27, 1964, is reported at 379 U. S. 694.

Jurisdiction

On January 26, 1965 the three-judge court entered an order declaring that the Reapportionment Compliance Act, Chapter 976 of the Laws of 1964, complies with that court's order dated July 27, 1964, and, as resettled by order dated February 16, 1965, expressly denying plaintiffs' application for injunctive relief against enforcement of the statute. The order of July 27, 1964 required the Legislature to enact into law not later than April 1, 1965 (since extended to May 5, 1965) "a valid apportionment scheme that is in compliance with the XIV Amendment of the United States Constitution." Separate notices of appeal to this Court were filed in the district court on February 25, 1965 by plaintiffs, supporting defendants Screvane, Power and O'Rourke and supporting defendant Nickerson. Jurisdiction of this Court to review on direct appeal the order of the three-judge court is conferred by 28 U.S.C. § 1253.

United States Constitution, Federal Statutes and State Statute Involved

The pertinent provisions of the United States Constitution; 42 U.S.C. §§ 1983 and 1988; 28 U.S.C. §§ 1343 (3), 2201 and 2202; and the pertinent provisions of Chapter 976 of New York Laws of 1964 are set forth in Appendix B, *infra*.

Questions Presented

The questions presented are:

1. Whether the district court erred in not considering or passing upon the question whether political gerryman-

dering can violate the Fourteenth Amendment of the United States Constitution.

2. Whether the district court erred in not admitting proof or hearing argument that the Reapportionment Compliance Act, Chapter 976 of the Laws of 1964, is invalid as violative of the Fourteenth Amendment of the United States Constitution in that:

(a) it establishes districts which are not convenient and compact and which depart in a substantial and unreasonable manner from natural geographic and political subdivision boundaries; and

(b) district lines were deliberately designed to, and were adopted in such a manner as to, and do in fact systematically minimize the voting power of some persons in the state and unduly increase and maximize the voting power of other persons in the state.

3. Whether the district court erred in not declaring that Chapter 976 of the Laws of 1964 is invalid as a violation of the Fourteenth Amendment of the United States Constitution.

Statement

This jurisdictional statement is filed by appellants in order to preserve their rights to challenge the validity of Chapter 976 of the Laws of 1964 as violative of the Fourteenth Amendment.

On December 22, 1964 the New York Legislature in extraordinary session enacted the Reapportionment Compliance Act, Chapter 976, § 1, known as "Plan A." Promptly thereafter it enacted three additional apportionment schemes as successive amendments to the Act: Chapter 977, as amended by Chapter 978 ("Plan B"); Chapter 979 ("Plan C"); and Chapter 981 ("Plan D").

The three-judge court by its order dated January 26, 1965 declared that Plans B, C and D were in conflict with

the Fourteenth Amendment and on February 23, 1965 notice of appeal from this portion of its order was filed by the State Attorney General.

The January 26, 1965 order of the three-judge court expressly did not pass upon appellants' claims that the four apportionment plans in the Reapportionment Compliance Act were invalid under Article III of the New York State Constitution, which contains certain apportionment and districting rules. On April 14, 1965 the New York Court of Appeals held all four plans invalid under state law for failure to comply with the constitutional requirement (Article III § 2) that the Assembly shall consist of 150 members. *Matter of Orans,* 15 NY 2d ——. A copy of the unrevised and uncorrected opinions in the Court of Appeals is set forth in Appendix C, *infra.*

The jurisdictional statement of the Attorney General, *et al.,* is due on the day this jurisdictional statement is to be filed. We expect to move thereafter to dismiss or affirm with respect to their appeal primarily on the ground that it presents no substantial federal question, especially in view of the subsequent holding of the highest State court that the statutes establishing Plans B, C and D are invalid under New York law.

In the event, however, that this Court should disagree with our contention and were to note probable jurisdiction of that appeal, we submit that the determination of the three-judge court that Plan A is valid under the Fourteenth Amendment is no less appropriate a subject for this Court's consideration.

We believe that the questions presented are clearly substantial. Gerrymandering, like malapportionment, can result in an apportionment scheme which "would operate to minimize or cancel out the voting strength of * * * political elements of the voting population." *Fortson* v. *Dorsey,* 379 U. S. 433, 439 (1965).

CONCLUSION

It is submitted that, the Court has jurisdiction and that, under the circumstances described, these appeals should be heard.

April 23, 1965.

Respectfully submitted,

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Appendix A.

Opinion.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

61 Civil 1559

WMCA, Inc., R. Peter Straus, Joseph De Maio, Edward Lind, S. Thomas Delaney, Edward C. Brown, James J. McCafferty,

Plaintiffs,

against

John P. Lomenzo, Secretary of State of the State of New York; Louis J. Lefkowitz, Attorney General of the State of New York; Francis X. O'Rourke, Chairman, Board of Supervisors, Westchester County and Arthur Cromarty, Chairman, Board of Supervisors, Suffolk County,

Defendants,

and

Paul R. Screvane, President of the City Council of the City of New York; Eugene H. Nickerson, County Executive, Nassau County; Maurice J. O'Rourke, James Power, John R. Crews, Thomas Mallee, Commissioners, Board of Elections, New York City,

Supporting Defendants,

and

John H. Hughes and Lawrence M. Rulison,

Intervening Defendants.

Appendix A.

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Appendix A.

Before WATERMAN, Circuit Judge,
and RYAN and LEVET, District Judges.

WATERMAN, Circuit Judge:

Defendants Lomenzo, Lefkowitz, and Francis X. O'Rourke, and intervening defendants Hughes and Rulison, have moved for an order declaring that the New York State Reapportionment Compliance Act, N. Y. Laws 1964, ch. 976, 977, 978, 979, 981, complies with the order of this court dated July 27, 1964. Defendants Lomenzo and Lefkowitz have also moved for an order enjoining proceedings pending in the New York State Supreme Court to test the validity of the Act under Article III of the New York State Constitution. Plaintiffs, supported by defendants Screvane, Nickerson, Maurice J. O'Rourke, and Power, have moved for a contrary order declaring that the Act is in violation of Amendment XIV of the United States Constitution and of Article III of the New York State Constitution. They have also asked that we stay further proceedings in this court pending the outcome of the state court proceedings.

The history of this protracted suit has been fully set forth in *WMCA* v. *Lomenzo*, 377 U. S. 633, 635-41 (1964) and need not be repeated here. In that decision, rendered June 15, 1964, the United States Supreme Court held that "New York's scheme of legislative apportionment," contained in Artitcle III of the New York State Constitution, was in violation of the Equal Protection Clause of the United States Constitution. The Supreme Court interpreted the Equal Protection Clause to require "that seats in both houses of a bicameral state legislature must be apportioned substantially on a population basis," and it found that "New York's constitutional formulas relating to legislative apportionment demonstrably include a built-in bias against voters living in the State's more populous counties." *Id.* at 653-54.

Appendix A.

The case was remanded to this court for further proceedings. Following a hearing, we issued our order, dated July 27, 1964, which decreed in part as follows:

> "2. The scheme of legislative apportionment of the State of New York is hereby declared to be unconstitutional and void as being in conflict with the XIV Amendment of the Constitution of the United States;
>
> "3. . . . [T]he 1964 election of Assemblymen and Senators shall be conducted as presently scheduled; provided that the terms of said Members so elected on November 3, 1964, or at any special election to fill vacancies, shall expire on December 31, 1965, and providing further that not later than April 1, 1965, the Legislature shall have enacted into law a valid apportionment scheme that is in compliance with the XIV amendment of the United States Constitution and which shall be implemented so as to effect the election of Members of the Legislature at the election in November, 1965, Members so elected to hold office for a term of one year ending December 31, 1966.
>
> * * * *
>
> "6. This Court retains jurisdiction of this case to conduct further proceedings as may be necessary."

On October 19, 1964, defendants Lomenzo and Lefkowitz (hereinafter called the State) filed a jurisdictional statement asking the Supreme Court to reverse our order insofar as it compelled legislative reapportionment by April 1, 1965 and an election pursuant thereto in November, 1965. Shortly thereafter, intervening defendants Hughes and Rulison (hereinafter called the State Senators) filed a similar jurisdictional statement. We have now been informed that the Supreme Court permitted the State to withdraw its appeal on January 22, 1965, but that the

appeal by the State Senators is still pending. The subject matter of the appeal, however, is not at issue in the proceedings now before us for disposition; we are here concerned with matters as to which this court has retained jurisdiction.

Meanwhile, on July 12, 1964, in response to the decision of the Supreme Court, the Governor of the State of New York appointed a Citizens' Committee on Reapportionment to study basic reapportionment problems. As soon as the Citizens' Committee had submitted its report on December 1 (hereinafter cited Cit. Comm. Rep.), the Governor called a special session of the Legislature to meet on December 15 to act on reapportionment. By the time the Legislature convened, it also had before it the report of the Joint Legislative Committee on Reapportionment (hereinafter cited Jt. Leg. Comm. Rep.) proposing a reapportionment statute based in part on the recommendations of the Citizens' Committee. Pursuant to the proposals of the two committees, the Legislature enacted its Reapportionment Compliance Act on December 22 and 23, 1964, to take effect January 1, 1965.

The basic act, N. Y. Laws 1964, ch. 976 (hereinafter Plan A), is the most traditional of the four reapportionment schemes enacted but is the one least preferred by the Legislature. It creates and districts a Senate of 65 members and an Assembly of 165 members. The districts are apportioned on the basis of the 1960 citizen population, which is the 1960 federal census population minus aliens. Each member of both houses has one vote in the Legislature.

Three succeeding amendments to the basic act, N. Y. Laws 1964, ch. 977-78, 979, 981 (hereinafter Plans B, C and D), establish reapportionment schemes increasingly preferred by the Legislature but also increasingly novel. Plan B creates and districts a Senate of 65 members and

an Assembly of 180 members. The districts are apportioned, not on the 1960 citizen population, but on the basis of the 1962 vote for Governor, including blank and void ballots. As under Plan A, each member of both houses has one vote.

Plan C creates and districts a Senate of 65 members, each with one vote, and an Assembly of 186 members, casting a total of 165 votes. 147 members of the Assembly have a full vote, and 39 members have fractions of a vote ranging from 3/4 to 1/6 according to the population of their districts. As under Plan A, districts are apportioned on the basis of the 1960 citizen population.

Finally, Plan D creates and districts a Senate of 65 members, each with one vote, and an Assembly of 174 members, casting a total of 150 votes. As under Plan C, 127 members of the Assembly have a full vote, and 47 members have fractions of a vote ranging from ¾ to ⅙. As under Plan B, districts are apportioned on the basis of the 1962 vote for Governor.

According to the report of the Joint Committee, Plan D is intended to be the law of New York State. However, if "[Plan D] were held to be invalid [Plan C], would become operative. If [Plan C] were held to be invalid [Plan B] would become operative. If [Plan B] were determined to be invalid [Plan A,] or so much thereof as a court of competent jurisdiction would determine to be valid, would become operative." Jt. Leg. Comm. Rep. 16.

Each plan provides that if the districts described therein contain minor descriptive errors, the Secretary of State shall correct the errors according to standards set forth in the Act (§ 403). Plans B, C, and D also state that if a court shall invalidate the system of fractional voting or the use of a voter population basis, it is the intent of the Legislature that the remainder of any plan incorporating these provisions shall also be invalid (§ 401).

Appendix A.

On December 30, 1964, the State filed notice of a motion asking this court to declare that the Act complies with our order of July 27, 1964. The State Senators and defendant Francis X. O'Rourke subsequently supported the State's motion at a hearing before this court held on January 21, 1965. On December 31, 1964, defendant Nickerson (hereinafter called Nassau County) filed notice of a cross-motion, asking this court to declare that the Act violates the Constitutions of the United States and of New York Sate, and for appropriate relief. Similar notices were later filed by plaintiffs and by defendants Screvane, Maurice J. O'Rourke and Power (hereinafter called New York City).

At the hearing on January 21, we were informed that on the previous day a Justice of the New York State Supreme Court had ordered state officials to show cause on January 29 why the Act should not be declared invalid under the New York State Constitution (*Matter of Orans*, No. 869/1965). In response to this development, the State moved in open court for an injunction against the state court proceedings, and New York City, supported by Nassau County and plaintiffs, asked us to stay proceedings in this court pending final determination of the proceedings in the state court.

At the close of the hearing, we reserved decision on all the motions in this case.[4] In view of the pendency of the state court proceedings, however, we hastened to file our decree on January 26, with a promise that this opinion explaining our decree would soon follow. In brief, we denied the State's motion for an injunction, we denied New York City's motion for a stay, we declined to pass on claims that the Act is invalid under the New York State Constitution, we ruled that Plans B, C and D are invalid under the United States Constitution, and we held that Plan A complies with our order of July 27, 1964.

Appendix A.

Claims under the New York State Constitution

Plaintiffs, supported by Nassau County and New York City, claim that the entire Reapportionment Compliance Act violates Article III, Sections 4 and 5 of the New York State Constitution in the following ways: the Act was not adopted at a regular session of the Legislature; the four plans contained in the Act amount to more than one reapportionment every ten years; the adoption of a series of plans to guard against judicial invalidation, and the provision for correction by an executive official, constitute a delegation of legislative power; the districts are not compact and contiguous and do not respect political boundaries. In addition, they claim that Plans B and D violate the sections of the State Constitution listed above in that they do not apportion on the basis of citizen population, and that Plans C and D violate Article III, Section 14 and other provisions of the State Constitution, in that they depart from majority rule within the Legislature.[1]

The State contends that our order of July 27, 1964 invalidated all the provisions of Article III of the New York State Constitution which relate to legislative apportionment, thereby precluding the claims which have been recited. This contention misconstrues the scope of our order.

The order of July 27, 1964 was issued pursuant to the decisions of the United States Supreme Court in *WMCA, Inc.* v. *Lomenzo, supra,* and in *Reynolds* v. *Sims,* 377 U. S. 533 (1964), to which the opinion in *WMCA, Inc.* v. *Lomenzo* referred. In *Reynolds* v. *Sims,* the Supreme Court wrote:

> "[S]tate constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should at-

[1] Plaintiffs make no claim that the Act violates the State Constitution because it enlarges the size of both houses of the Legislature.

tempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible." *Id.* at 584.

Specifically, the Supreme Court ruled:

> "A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme . . . , [so long as] the vote of any citizen is approximately equal in weight to that of any other citizen in the State." *Id.* at 578-79.

Similarly, the Supreme Court held:

> "While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative reapportionment." *Id.* at 583-84.

Moreover, for the reasons stated below, we believe that the Supreme Court approved the use of citizen population as a basis for legislative apportionment.

Accordingly, in invalidating "New York's scheme of legislative apportionment," the Supreme Court pointed only to "the state constitutional formulas" by which "the weight of the votes of those living in populous areas is of necessity substantially diluted in effect." *WMCA, Inc.* v. *Lomenzo, supra,* at 653. Our order of July 27, 1964, declaring void "the scheme of legislative apportionment of the State of New York," was deliberately designed to hew as closely as possible, both in wording and connotation, to the decision of the Supreme Court. Even the remedy prescribed in our order involved no conflict with those provisions of the New York State Constitution pleaded by

plaintiffs. We decreed that reapportionment should be done by the Legislature; we required the enactment of but one valid scheme; and we gave the Legislature sufficient time to reapportion during a regular session.

In short, as far as the Federal Constitution is concerned, all the provisions of Article III of the State Constitution relied on by plaintiffs are still operative. Moreover, these provisions are limited in their application only to the extent that they are in unavoidable conflict with the decision of the Supreme Court in *WMCA, Inc.* v. *Lomenzo, supra,* or with the July 27, 1964 order of this court. If, as the State suggests, these provisions of Article III are inseparably intertwined with the "constitutional formulas" condemned by the Supreme Court, so that all must fall together, this would be a consequence of state law rather than federal law.

However, this court declines to pass on plaintiffs' claims that the Reapportionment Compliance Act is invalid under the New York State Constitution. Together with the issue of inseparability, these claims raise difficult problems of state law interpretation; our examination of the briefs of the parties and the cases cited therein makes this fact amply clear. Moreover, we are here concerned with a matter of the utmost sensitivity and importance to the people of the State of New York. Finally, there is presently pending a proceeding in the New York State courts, in which those attacking the validity of the Reapportionment Compliance Act can obtain an expeditious hearing on their claims under state law. N. Y. Const. Art. III. § 5. This is clearly an appropriate case for abstention by the federal courts. See 1A Moore, Federal Practice ¶ 0.203 (1961). Our discussion above of the continued viability of Article III of the New York State Constitution is therefore meant only as a guide to the New York State courts and not as groundwork for a determination of our own of plaintiffs' claims under state law.

Appendix A.

What has already been said provides a sufficient answer to the State's request that we enjoin the proceedings pending in the state courts. Since we are not passing on claims under the State Constitution, and since the proceedings begun in the state courts do not raise claims under the Federal Constitution, there is no possibility here of conflicting adjudications. Neither our jurisdiction nor our judgments are jeopardized, within the meaning of 28 U.S.C. § 2283. See 1A Moore, Federal Practice ¶¶ 0.224, 0.225 (1961). Therefore, the motion for an injunction against the proceedings in the state courts is denied.

Likewise, New York City's motion for a stay of the proceedings in this court, pending the outcome of the proceedings in the state court, is denied. In *Davis* v. *Mann,* 377 U. S. 678, a companion case to *Reynolds* v. *Sims, supra,* and *WMCA, Inc.* v. *Lomenzo, supra,* testing the validity of Virginia's legislative apportionment under the Federal Constitution, the federal district court refused to stay the federal court action on the claimed ground that "plaintiffs should be required first to procure the views of the state courts on the validity of the apportionment scheme." *Id.* at 683. The Supreme Court approved this determination in the following words:

> "Where a federal court's jurisdiction is properly invoked, and the relevant state constitutional and statutory provisions are plain and unambiguous, there is no necessity for the federal court to abstain pending determination of the state law questions in a state court. *McNeese* v. *Board of Education,* 373 U. S. 668. This is especially so where, as here, no state proceeding had been instituted or was pending when the District Court's jurisdiction was invoked." *Id.* at 690-91.

This ruling fits our case. There is no dispute between the parties over the meaning of those provisions of the

Reapportionment Compliance Act which have been challenged by plaintiffs under the Federal Constitution, and there was no state court proceeding pending when our jurisdiction was invoked on December 30, 1964. Nor can our case be distinguished from *Davis* v. *Mann* on the ground that here a state proceeding was instituted before the proceedings in this court were ready for judgment, or that here it is those challenging the state apportionment scheme who are seeking the stay. We have ordered the Legislature to reapportion itself validly by April 1, 1965, and the Legislature has attempted to obey our order. The State is entitled to know as soon as possible whether our order has been satisfied by what the Legislature has done.

Claims under the United States Constitution

Nassau County contends that the adoption of a series of reapportionment plans, and the invitation to this court to choose among them, is an abuse of our order directing the Legislature to enact "a valid apportionment scheme."

The Joint Committee explained its novel response to our order as follows:

> "[I]t remains impossible to predict with certainty how the [Supreme] Court will resolve all the questions it intentionally left unanswered in this area.
>
> * * * *
>
> "The Federal District Court's order of July 27, 1964 specifically requires that 'not later than April 1, 1965, the Legislature shall have enacted into law a valid apportionment scheme.'
>
> * * * *
>
> "There is absolute necessity for stability and certainty in the legislative process, and the assurance

that the acts of the Legislature will not remain subject to continuing challenge.

* * * *

"Accordingly, we would be derelict in our duty if we recommended to your Honorable Bodies that complete reliance be placed in a single apportionment and districting plan which may or may not withstand constitutional attack." Jt. Leg. Comm. Rep. 15-16.

We find the Joint Committee's explanation persuasive. Under the unique circumstances of this case, it was not an abuse of our order for the Legislature to enact four alternative apportionment plans rather than only one. At worst, insofar as the Legislature's response to our order manifests its doubts about the validity of the plans which have been enacted, the presumption of constitutionality ordinarily accorded to legislation is weakened to some extent. See *WMCA, Inc.* v. *Simon,* 208 F. Supp. 368, 373 (SDNY 1962).

Plaintiffs, supported by Nassau County, claim that Plans D and C, which employ fractional voting in the Assembly, violate the requirement of the Equal Protection Clause that "seats in both houses of a bicameral state legislature must be apportioned substantially on a population basis." *WMCA, Inc.* v. *Lomenzo, supra,* at 653.

According to the Citizens' Committee and the Joint Committee, the main purpose of fractional voting is to assure that every county in the state, except Fulton and Hamilton, will have at least one Assemblyman all of its own, without the Assembly's being enlarged to over 1000 members. Cit. Comm. Rep. 29-31, 39-40; Jt. Leg. Comm. Rep. 9-13. This policy was endorsed by the Supreme Court in *Reynolds* v. *Sims, supra,* at 580: "[A] State can rationally consider according political subdivisions some independent representation in at least one body of the state

legislature, as long as the basic standard of equality of population among districts is maintained."

If voting were the only important function of a legislator, the scheme of fractional voting in Plans D and C would probably not offend "the basic standard of equality" among districts. But legislators have numerous important functions that have nothing directly to do with voting: participation in the work of legislative committees and party caucuses, debating on the floor of the legislature, discussing measures with other legislators and executive agencies, and the like. The Assemblyman who represents only one-sixth of a district can theoretically give each constituent six times as much representation in these respects as the Assemblyman who represents a full district. This disparity of representation persists even if the State is right in arguing that the Assemblyman with only one-sixth of a vote will carry only one-sixth as much political weight when he engages in these activities.

Moreover, fractional districts are enjoyed mainly by the sparsely populated areas of the state. Of the forty-seven Assemblymen who would cast fractional votes under Plan D, thirty-seven are from counties too thinly inhabited to have any additional representation in the Assembly. Of the thirty-nine Assemblymen who would cast fractional votes under Plan C, thirty-four are from counties too thinly inhabited to have any additional representation in the Assembly. None of the Assemblymen with fractional votes under either plan are from New York City or Nassau County. In view of the Supreme Court's concern for New York's traditional "bias against voters living in the State's more populous counties," *WMCA, Inc.* v. *Lomenzo, supra,* at 654, this imbalance makes fractional voting particularly vulnerable.

The State argues that fractional districts are actually disadvantageous to the people living in them. Its theory

is that lobbyists will tend to woo only those legislators with full votes, since more effort is involved in convincing a series of legislators who share one vote. If this be true, it only demonstrates that in some respects fractional voting entails counter-discrimination. It does not prove that fractional voting is entirely free of discrimination.

Accordingly, we hold that Plans D and C violate the XIV Amendment of the United States Constitution and therefore do not comply with the July 27, 1964 order of this court. No doubt is cast on this conclusion by the statement in *Reynolds* v. *Sims, supra,* at 579, that a state "might [legitimately] desire to achieve some flexibility by creating multimember or floterial districts," or by the recent Supreme Court ruling in *Fortson* v. *Dorsey,* 33 L. W. 4143 (Jan. 18, 1965), upholding Georgia's partial use of multi-member districts. Unlike a fractional district, the extra-ordinary population of a multi-member district is balanced in all respects by its extra-ordinary number of representatives.[2]

Plaintiffs claim that Plan B violates the XIV Amendment of the United States Constitution by using as a base for legislative apportionment the 1962 vote for Governor rather than the citizen population of the state, and therefore that the scheme does not comply with the July 27, 1964 order of this court. Under the circumstances of this particular case, and limiting ourselves thereto, we agree with plaintiffs.

Since 1894, New York has districted its Legislature by using as an apportionment base the state's citizen population. Now, for the first time in seventy years, the very same body which has been held by the Supreme Court to be malapportioned would switch its apportionment base

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[2] We express no opinion on the use of fractional or weighted voting either as a temporary device to remedy malapportionment or in governmental organs below the state level.

from citizen population to actual voters. The effect of this switch would be to produce New York City's share of the total apportionment base from 45.7% to 41.9%. In terms of representation in the Legislature under Plan B, New York City would thereby lose approximately 2½ Senate seats and nearly 7 Assembly seats. Again, in view of the Supreme Court's concern for New York's pre-existing "bias against voters living in the State's more populous counties," *WMCA, Inc.* v. *Lomenzo, supra,* at 654, we cannot condone this ghost of prior malapportionment.

It might be otherwise if the Legislature had acted under the impression that a voter base was required by the United States Constitution, but this was not the case. The Citizens' Committee reported that the continued use of the citizen base for legislative apportionment "would raise few, if any, legal problems" under the Federal Constitution. Cit. Comm. Rep. 12. The Joint Committee apparently agreed, for it based its ultimate statutory backstop, Plan A, on citizen population. We do not mean to suggest that there may not be sound policy reasons for changing the state's base for legislative apportionment from citizen population to actual voters. See Cit. Comm. Rep. 14-15; Jt. Leg. Comm. Rep. 7-8. We say only that under the particular circumstances within which this change actually occurred, these policy reasons are not sufficient to dispel the inference of discrimination against city-dwellers.[3]

Nassau County claims that Plan A, by basing apportionment on citizens rather than on residents, violates the requirement of the Equal Protection Clause that "seats in both houses of a bicameral state legislature must be apportioned substantially on a population basis." *WMCA, Inc.* v. *Lomenzo, supra,* at 653.

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[3] We express no opinion on the validity of a voter basis under other circumstances. See *Reynolds* v. *Sims, supra,* at 577, quoted *infra,* at p. 24 [17a].

Appendix A.

It is true that in its series of decisions on June 15, 1964, the Supreme Court repeatedly stated its fundamental holding in terms of equality of "population." But a crucial passage in *Reynolds* v. *Sims, supra,* at 577, convinces us that "population" may mean the total number of citizens as well as the total number of residents. The Supreme Court stated:

> "[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of *residents, or citizens, or voters.* Mathematical exactness or precision is hardly a workable constitutional requirement." (Emphasis supplied).

The opinion in *WMCA, Inc.* v. *Lomenzo, supra,* confirms this interpretation. The Supreme Court recited the provisions of Article III of the New York State Constitution requiring apportionment of the Senate and the Assembly on the basis of citizen population, *id.* at 642, 646; the Court expressly noted the fact that "New York uses citizen population instead of total population, excluding aliens from consideration, for purposes of legislative apportionment," *id.* at 641; and in demonstrating the arithmetical inequities of the state's scheme of legislative apportionment, the Court based its calculations on citizen populations, *id.* at 647-51. Nowhere in the opinion, however, did the Supreme Court even intimate that New York's use of a citizen population base for purposes of legislative apportionment contributed in any way to the unconstitutionality of the state's scheme.

It should also be noted that a change from the citizen base to a resident base for legislative apportionment would

have but little impact on the densely populated areas of New York State. New York City's share of the total apportionment base would rise only from 45.7% to 46.4%, and Nassau County's share would actually drop from 7.9% to 7.7%. In terms of representation in the Legislature under Plan A, New York City would thereby gain less than one-half of a Senate seat and only a little more than one Assembly seat. It would appear that New York's use of its traditional citizen population base, rather than a novel resident population base, affects all areas of the state substantially equally.

Plaintiffs, supported by Nassau County and New York City, claim with great vehemence that Plan A violates the XIV Amendment of the United States Constitution because it allegedly gerrymanders the state for partisan political advantage.

At the start of the hearing on January 21, 1965, we ruled that these attacks "do not raise questions under the Federal Constitution, and consequently we request of you that you devote none of your time in addressing us with reference thereto" (S.M. 10-11). At the same time, upon objections by the State, we denied petitions to intervene by Noel Austin, by the Village Independent Democrats and four of their members, and by the City of Rochester, in part on the ground that they raised issues relating only to political gerrymandering. An amplification of our ruling is here in order.

As we pointed out at the hearing:

> "We have noted the descriptions and have examined the maps that have been made available to us showing the perimeters of the senatorial and assembly districts adopted by the State Legislature last month, and we do not find that in comparing the inhabitants, citizens or voters in any districts with those of any other districts there has been any invidious discrimination re-

lative to any person's race, color, creed, national origin or sex; and none such has been alleged in any of the petitions brought before us for declaratory judgment today and none has been filed by any of the present parties in this cause." (S.M. 9-10).

Consequently, this case is not governed by *Gomillion* v. *Lightfoot,* 364 U. S. 339 (1960), in which the Supreme Court held that redrawing the boundaries of a city in order to exclude Negro voters constitutes a violation of the XV Amendment of the Federal Constitution. Even if voters, merely shifted from one legislative district to another, can be said to have had their right to vote "denied or abridged," within the meaning of that constitutional provision, the gerrymandering alleged here was not based on "race, color, or previous condition of servitude."

Nor is this case influenced by *Wright* v. *Rockefeller,* 376 U. S. 52 (1964), in which the Supreme Court may have intimated that drawing legislative districts in order to separate native-born whites from Negroes and Puerto Ricans constitutes a violation of the XIV Amendment of the Federal Constitution. As the dissenters pointed out, state-sponsored segregation based on race, religion, or ancestry is peculiarly vulnerable to constitutional attack. *Id.* at 61-62, 68-69. The integration of Democrats and Republicans, or of Liberals and Conservatives, has no such privileged status under the Federal Constitution.

At the hearing we went on to say:

"Under the provisions of the Fourteenth Amendment of the United States Constitution [as expounded in *Reynolds* v. *Sims*] this Court, with reference to the shape, size or population density of a district, is only required to ascertain whether a vote for assemblyman or senator in one district is debased or diluted in relation to a vote for assemblyman or a senator in another

district, and to ascertain whether these districts are so constructed as to contain within them as nearly equal populations as is practicable." (S.M. 10).

In short, *Reynolds* v. *Sims* concerned arithmetic and not geometry.

Since plaintiffs have neither argued nor proved that the alleged political gerrymandering has produced districts of unequal populations, this suit does not come within the purview of *Reynolds* v. *Sims*. It is true that the opinion in that case treated partisan gerrymandering as an evil which a state may legitimately seek to preclude. *Id.* at 578-79, 581. But *Fortson* v. *Dorsey, supra,* at 4145, makes it clear that the Supreme Court has refrained from condemning partisan gerrymandering as unconstitutional.

Plaintiffs make no claim that Plan A creates legislative districts not substantially equal in citizen population and that it thereby violates the XIV Amendment of the United States Constitution. However, in view of the Supreme Court's ruling in *WMCA Inc.* v. *Lomenzo, supra,* at 653, that "seats in both houses of a bicameral state legislature must be apportioned substantially on a population basis," we think it advisable to satisfy ourselves that the Legislature has complied with the Equal Protection Clause in this respect.

In its series of decisions on June 15, 1964, the Supreme Court repeatedly tested equality of legislative apportionment by calculating the population ratio of the largest and smallest districts in the state and by determining the minimum percentage of persons in the state represented by a majority of the legislature. A perfectly apportioned legislature would show a population ratio of 1:1 and a minimum percentage of 50.1%. Of the legislative apportionment schemes condemned by the Supreme Court, Virginia's came closest to perfect equality, with population

ratios between the largest and smallest districts of 2.65:1 in the Senate and 4.36:1 in the House, and with minimum percentages of persons represented by a legislative majority of 41.1% in the Senate and 40.5% in the House. *Davis* v. *Mann, supra,* at 687-89. On the other hand, the Supreme Court indicated that Colorado's House, with a population ratio of 1.7:1 and a minimum percentage of 45.1%, was "at least arguably apportioned substantially on a population basis. . . ." *Lucas* v. *Colorado Gen. Assembly,* 377 U. S. 713, 727, 730 (1964).

Under Plan A, the ratio of citizen populations between the largest and smallest districts in New York is 1.15:1 in the Senate and 1.21:1 in the Assembly, while the minimum percentage of citizens represented by a majority of the New York Legislature is 49.4% for the Senate and 49.3% for the Assembly. These minor deviations from perfect equality are clearly permissible under the Federal Constitution. "Mathematical exactness or precision is hardly a workable constitutional requirement." *Reynolds* v. *Sims, supra,* at 577.

Testing Plan A for "bias against voters living in the State's more populous counties," *WMCA, Inc.* v. *Lomenzo, supra,* at 654, we reach the same result. In a perfectly apportioned scheme, New York City would have 29.7 out of 65 seats in the Senate and 75.4 out of 165 seats in the Assembly. Under Plan A. New York City actually receives 30 seats in the Senate and 75 seats in the Assembly, and it shares one additional seat in each house with neighboring counties. Likewise, Nassau County is mathematically entitled to 5.1 seats in the Senate and 13.0 seats in the Assembly. It actually fills 4 seats in the Senate and 12 seats in the Assembly, and it shares two additional seats in each house with neighboring counties.

Accordingly, we hold that Plan A complies with the XIV Amendment of the United States Constitution and with our

order of July 27, 1964. Of course, the ultimate fitness of the scheme for their needs and purposes is for the people of the State of New York, themselves, to decide, and not for this court to mandate.

February 1, 1965.

STERRY R. WATERMAN
U. S. Circuit Judge

SYLVESTER R. RYAN
Chief Judge of the U. S. District Court for the Southern District of New York

RICHARD H. LEVET
U. S. District Judge

We append here our decree filed January 26, 1965.

Appendix A.

APPENDIX TO OPINION.

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK.
61 Civil 1559

WMCA, INC., et al.,

Plaintiffs,

against

JOHN P. LOMENZO, Secretary of State of the State of New York, et al.,

Defendants.

Before: HON. STERRY R. WATERMAN, Circuit Judge,
HON. SYLVESTER J. RYAN,
HON. RICHARD H. LEVET,
District Judges.

Upon all the motion papers, papers in opposition thereto, and proceedings in open court on January 21, 1965,

IT IS ORDERED:

1. Article III of the New York State Constitution is invalid under Amendment XIV of the United States Constitution only to the extent that its provisions are in unavoidable conflict with the decision of the United States Supreme Court in *WMCA, Inc.* v. *Lomenzo*, 377 U. S. 633 (1964) and with the order of this court dated July 27, 1964.

2. This court has not passed upon claims that the Reapportionment Compliance Act is invalid under Article III of the New York State Constitution because of its contents or the manner in which it was enacted.

3. The motion requesting an injunction against pending proceedings in the New York State courts, testing the validity of the Reapportionment Compliance Act under Article III of the New York State Constitution, is denied.

Appendix A.

APPENDIX TO OPINION.

4. The motion requesting a stay of the proceedings in this court, pending the outcome of the proceedings in the New York State courts, is denied.

5. The Reapportionment Compliance Act, as amended by Chapter 981 of the Laws of 1964, does not comply with the order of this court dated July 27, 1964, because it is in conflict with Amendment XIV of the United States Constitution.

6. The Reapportionment Compliance Act, as amended by Chapter 979 of the Laws of 1964, does not comply with the order of this court dated July 27, 1964, because it is in conflict with Amendment XIV of the United States Constitution.

7. The Reapportionment Compliance Act, as amended by Chapters 977 and 978 of the Laws of 1964, does not comply with the order of this court dated July 27, 1964, because it is in conflict with Amendment XIV of the United States Constitution.

8. The Reapportionment Compliance Act, Chapter 976 of the Laws of 1964, complies with the order of this court dated July 27, 1964.

9. Jurisdiction of further proceedings which may be found to be necessary in this court is retained.

An explanatory opinion will follow shortly.

STERRY R. WATERMAN,
Circuit Judge.

SYLVESTER J. RYAN,
District Judge.

RICHARD H. LEVET,
District Judge.

Done at New York City, January 26, 1965.

APPENDIX B

UNITED STATES CONSTITUTION, FEDERAL STATUTES AND STATE STATUTE INVOLVED.

UNITED STATES CONSTITUTION:

Amendment XIV, § 1:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. * * *

FEDERAL STATUTES:

U. S. C., Title 42, Sections 1983 and 1988:

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

§ 1988. Proceedings in vindation of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18 for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object or are different in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modi-

fied and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in trial and disposition of the cause, and if it is of a criminal nature, in the infliction of punishment on the party found guilty.

U. S. C., Title 28, Section 1343:

§ 1343. Civil rights and elective franchise.

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: * * *

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; * * *.

The Federal Declaratory Judgment Act, U. S. C., Title 28, Sections 2201 and 2202:

§ 2201. Creation of remedy.

In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

§ 2202. Further relief.

Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.

Appendix B.

STATE STATUTE:

CHAPTER 976

AN ACT to apportion and district the senate and assembly, making conforming amendments in the election law, in compliance with the order made on July twenty-seventh, nineteen hundred sixty-four by the federal court

Became a law December 22, 1964 at 7:10 p.m., with the approval of the Governor. Passed on message of necessity pursuant to article III, section 14 of the constitution by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The reapportionment compliance act is hereby enacted, to read as follows:

REAPPORTIONMENT COMPLIANCE ACT

ARTICLE 1—SHORT TITLE; STATEMENT OF POLICY; APPLICATION; MISCELLANEOUS.

Section 101. Short title.
102. Statement of policy.
103. Application.
104. Miscellaneous.

Section 101. Short title. This act shall be known as the "Reapportionment Compliance Act".

§ 102. Statement of policy. 1. The order of the federal court and its mandate of July twenty-seventh, nineteen hundred sixty-four require that the legislature be apportioned and districted on a basis other than the manner provided for in the constitution of this state. Legislation

complying with the guidelines enunciated by the federal courts in applying the equal protection clause of the fourteenth amendment of the United States constitution to apportionment of state legislatures must be enacted in this state not later than April first, nineteen hundred sixty-five. There is a further requirement that an election of members of the legislature under this new apportionment and districting be held in November, nineteen hundred sixty-five, and that such elected members hold office for a term ending December thirty-first, nineteen hundred sixty-six.

2. In light of this obligation to enact legislation notwithstanding the provisions of New York state's constitution, it is hereby found and declared by the legislature that apportionment and districting is primarily a responsibility of the legislature and must be accomplished at the same time and by this act. It is also found and declared that the uncertainty concerning the federal standards for apportionment of state legislatures requires prompt action to permit judicial review, to insure an orderly election of the members of the senate and assembly, to provide stability and continuity in the legislative process and to secure that the legislature and its acts will not be subject to continuing challenge.

§ 103. Application. For the purpose of filling vacancies occuring other than by the expiration of term in the offices of members of the senate and members of the assembly elected at the general election in nineteen hundred sixty-four, the senate and assembly districts of this state, as existing immediately before the enactment of this act, shall continue to be respectively, the senate districts of the state, and the assembly districts of the state.

§ 104. Miscellaneous. 1. Unless otherwise specifically indicated, references in provisions of this act to political subdivisions, wards, election districts, or other divisions

thereof, or to the boundary lines of any of the same, shall be deemed to refer to such political subdivisions, wards, election districts, divisions or boundary lines as they existed at the time of the general election in the year nineteen hundred sixty-two.

2. The term "major portion" of a district means a part of a district containing more than fifty percent of the population of the district, according to the measure of population used.

3. The term "minor portion" of a district means a part of a district containing less than fifty percent of the population of the district, according to the measure of population used.

Article 2—Senate

Section 201. Number of senators.
202. Apportionment of senate districts.
203. Senate districts.

§ 201. Number of senators. The senate shall consist of sixty-five members chosen from the districts described within and apportioned among the counties on the basis of the citizen population thereof in the year nineteen hundred sixty as set forth in this article.

§ 202. Apportionment of senate districts. The senate districts shall be apportioned among the counties of this state as follows:

1. Albany. One district and one minor portion of a district.

2. Allegany, Chemung and Steuben. One district.

3. Bronx. Five districts and one major portion of a district.

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4. Broome and Tioga. One district.

5. Cattaraugus, Chautauqua and Wyoming. One district.

6. Cayuga, Cortland, Schuyler, Seneca, Tompkins and Yates. One district.

7. Chenango, Delaware, Fulton, Montgomery and Otsego. One district.

8. Clinton, Essex, Franklin, Hamilton and St. Lawrence. One district.

9. Columbia, Dutchess and Putnam. One district.

10. Erie. Four districts.

11. Genesee, Livingston, Monroe, Ontario and Wayne. Three districts.

12. Greene, Sullivan and Ulster. One major portion of a district.

13. Herkimer, Jefferson, Lewis and Oswego. One district.

14. Kings. Ten districts and minor portions of two districts.

15. Madison and Onondaga. Two districts.

16. Nassau. Four districts, one major portion of a district and one minor portion of a district.

17. New York. Six districts and one minor portion of a district.

18. Niagara and Orleans. One district.

19. Oneida. One district.

20. Orange and Rockland. One district and one minor portion of a district.

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21. Queens. Six districts, one major portion of a district and one minor portion of a district.

22. Rensselaer, Washington and Warren. One major portion of a district.

23. Richmond. One major portion of a district.

24. Saratoga, Schenectady and Schoharie. One district.

25. Suffolk. Two districts and one major portion of a district.

26. Westchester. Three districts.

§ 203. Senate districts. The senate districts shall consist as follows:

1. First district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where the dividing lines between the towns of Smithtown and Brookhaven as extended northerly north of Crane Neck Point intersects the waters of Long Island sound southerly along said extension and said dividing line to the north town line of the town of Islip, thence southwesterly and westerly along the Smithtown-Islip town line to the Huntington town line, thence southerly along the Huntington-Islip town line to the Babylon town line, thence southerly along the Babylon-Islip town line to the Southern state parkway, thence easterly along the Southern state parkway, to Hecksher* spur parkway, thence southerly on Hecksher* spur parkway to Sunrise highway, thence easterly on Sunrise highway to the Islip-Brookhaven town line, thence southerly along the Islip-Brookhaven town line to the waters of the Atlantic ocean, thence easterly and northerly through the waters of the Atlantic ocean to the waters of Long Island sound, thence westerly through the waters of Long Island sound to the place of beginning.

* So in original. [Word misspelled.]

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Together with Fishers island, Great Gull island, Plum island, Gardiners island and other islands within the county of Suffolk located in Block island sound.

2. Second district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where the dividing lines between the towns of Smithtown and Brookhaven as extended northerly north of Crane Neck Point intersects the waters of Long Island sound southerly along said extension and said dividing line to the north town line of the town of Islip, thence southwesterly and westerly along the Smithtown-Islip town line to the Huntington town line, thence southerly along the Huntington-Islip town line to the Babylon town line, thence southerly along the Babylon-Islip town line to the north village line of the village of Babylon, thence westerly along said village line to Livingston avenue, thence northwesterly on Livingston avenue to Sunrise highway, thence westerly on Sunrise highway to Strong avenue, thence northerly along Strong avenue and New highway to Babylon-Farmingdale road, thence westerly along Babylon-Farmingdale road, to the dividing line between the county of Suffolk and the county of Nassau, thence northerly along said county line and said county line extended, to the waters of Cold Spring harbor and Long Island sound, thence easterly to the waters of Long Island sound, to a point where the town line of the town of Smithtown and the town line of the town of Brookhaven extended intersect at the place of beginning.

3. Third district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where the dividing line between the county of Nassau and the county of Suffolk intersects the Babylon-Farmingdale road, thence southerly along said dividing line and said dividing line extended to the waters of the Atlantic ocean, thence easterly through the waters of the

Atlantic ocean, to a point where the dividing line between the town of Islip and the town of Brookhaven extended intersects, thence northerly along said dividing line to Sunrise highway, thence westerly on Sunrise highway to Hecksher spur parkway, thence northwesterly on Hecksher* spur parkway to Southern state parkway, thence westerly on Southern State parkway to the dividing line between the town of Islip and the town of Babylon, thence southerly along said town dividing line to the north village line of the village of Babylon, thence westerly along said village line to Livingston avenue, thence southerly on Livingston avenue to Sunrise highway, thence westerly on Sunrise highway to Strong avenue, thence northerly along Strong avenue and New highway to Babylon-Farmingdale road, thence westerly along Babylon-Farmingdale road to the place of beginning.

Together with that part of the town of Oyster Bay within the county of Nassau, within and bounded by a line beginning at a point where the central branch of the Long Island railroad intersects the dividing line between the county of Nassau and the county of Suffolk, thence northwesterly along said railroad to Hempstead turnpike thence southwesterly along Hempstead turnpike to Bethpage state parkway, thence southerly on Bethpage state parkway to Southern state parkway, thence westerly along Southern state parkway, to the dividing line between the town of Oyster Bay and the town of Hempstead, thence southerly along said town dividing line and said town dividing line extended to the waters of the Atlantic ocean, thence easterly through the waters of the Atlantic ocean to a point where the dividing line between the county of Nassau and the county of Suffolk extended intersects, thence northerly along the dividing line between the county of Nassau and the county of Suffolk extended and the dividing line between the county

* So in original. [Word misspelled.]

of Nassau and the county of Suffolk to the place of beginning.

4. Fourth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where the dividing line between the town of North Hempstead and the town of Hempstead intersects the town line of the town of Oyster Bay, thence southerly, easterly and southerly along the town line of the town of Oyster Bay to Southern State parkway, thence easterly along Southern State parkway to Bethpage State parkway, thence northerly along Bethpage State parkway, to Bethpage turnpike, thence easterly along Bethpage turnpike to the village line of the village of Farmingdale, thence easterly and southeasterly along said village line to the east town line of the town of Oyster Bay, thence northerly, westerly and southerly along said town line to a point where said town line intersects the north town line of the town of North Hempstead, thence southeasterly along said town line of the town of North Hempstead to a point where it intersects the north village line of the village of Old Westbury, thence easterly and southerly along said village line to a point where it intersects the east village line of the village of Mineola, thence westerly and southerly along said line to the south town line of the town of North Hempstead, thence easterly along said town line to the place of beginning.

5. Fifth district. That part of the town of Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the east village line of the village of Garden City intersects the north town line of the town of Hempstead, thence southerly along the village line of the village of Garden City to the east village line of the village of Hempstead, thence southerly along the village line of the village of Hempstead as it winds and turns to the intersection of Nassau road, to

Park avenue to Southern State parkway, to Meadowbrook State parkway extension, to the east village line of the village of Freeport, thence southerly along the east village line of the village of Freeport, to the waters of Long creek, thence southerly through the waters of Long creek and Jones inlet to the waters of the Atlantic ocean, thence easterly through the waters of the Atlantic ocean to a dividing line between the town of Hempstead and the town of Oyster Bay, thence northerly and westerly along said line and the boundary line between the town of Hempstead and the town of North Hempstead to the place of beginning.

6. Sixth district. That part of the town of Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the waters of Long Creek intersect the waters of Jones inlet, thence to the waters of Long creek, to the south village line of the village of Freeport, thence northerly and westerly along the east village line of the village of Freeport to Forest avenue, to Coes Neck road, to Southern State parkway, to the north village line of the village of Malverne, thence southwesterly along said village line to a point where said village line and the northeasterly village line of Valley Stream intersect, thence southerly and westerly along said village line as it winds and turns to Cedarhurst street, to Park lane, to Hungry Harbor road, to the boundary line between Queens county and Nassau county, thence southerly and easterly through the waters of the Atlantic ocean to the place of beginning.

7. Seventh district. That part of the town of Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the north village line of the village of Garden City intersects the north town line of the town of Hempstead, thence southerly along the village line of the village of Garden City to the east village line of the village of Hempstead, thence south-

erly along the village line of the village of Hempstead as it winds and turns to the intersection of Nassau road, to Park avenue, to Southern State parkway, to Meadowbrook State parkway extension, to Babylon turnpike, to the east village line of the village of Freeport, thence northerly along the village line of the village of Freeport, to Forest avenue, to Coes Neck road, to Southern State parkway, to the north village line of the village of Malverne, thence southwesterly along said village line to a point where said village line and the northeasterly village line of the village of Valley Stream intersect, thence southerly and westerly along said village line as it winds and turns to Cedarhurst street, to Park lane, to Hungry Harbor road, to the west town line of the town of Hempstead, thence northerly and easterly along said town line as it winds and turns to the place of beginning.

8. Eighth district. That part of the county of Nassau and the county of Queens within and bounded by a line described as follows: Beginning at a point where the boundary line between the county of Queens and the county of Nassau intersects the south town line of the town of North Hempstead, thence northerly along said dividing line between the county of Queens and the county of Nassau, to a point where the Horace Harding expressway (Long Island expressway) intersects the boundary line between the county of Nassau and the county of Queens, westerly along the Horace Harding expressway to the Cross Island parkway, northerly along the Cross Island parkway to the intersection of the Cross Island parkway and Northern boulevard, along Northern boulevard to Two Hundred Twenty-third street, to Forty-third avenue, to Bell boulevard, to Northern boulevard, to the Clearview expressway, to Forty-fifth road, to Francis Lewis boulevard, to Forty-seventh avenue, to Fresh Meadow lane, to Auburndale lane, to Northern boulevard;

to Sanford avenue, to One Hundred Fifty-eighth street, to Forty-first avenue, to One Hundred Fifty-sixth street, to Barclay avenue, to Murray street, to Bayside avenue, easterly along Bayside avenue to Bayside lane, to Francis Lewis boulevard, along Francis Lewis boulevard to Twenty-sixth avenue, to the Clearview expressway, along the Clearview expressway to Thirty-fourth avenue, to Two Hundred Tenth street, to Thirty-fourth road, to Two Hundred Eleventh street, to Thirty-third road, to Two Hundred Twelfth street, to Thirty-second avenue, to Two Hundred Eleventh street, to Twenty-sixth avenue, to Bell boulevard, to Twenty-eighth avenue, easterly along Twenty-eighth avenue extended to the waters of Little Neck bay, running through said waters to a point where said Twenty-eighth avenue extended intersects the boundary line between the county of Queens and the county of Nassau, thence northerly, easterly and southerly to the waters of Little Neck bay, Long Island sound, Hempstead bay and Hempstead harbor, to a point where the east town line of the town of North Hempstead intersects the waters of Hempstead harbor, thence southerly along said town line to the town of North Hempstead, to the north village line of the village of Old Westbury, thence westerly and southerly along said village line to the east village line of the village of Mineola, thence southerly, westerly and southerly to the south line of the town of North Hempstead, thence westerly along said town line to the place of beginning.

9. Ninth district. The portion of the County of Queens bounded and described as follows: Beginning at a point where Quigley boulevard intersects the boundary line between the county of Queens and the county of Nassau, thence southwesterly on Quigley boulevard to Rockaway boulevard to Brookville boulevard to One Hundred Forty-ninth avenue to Two Hundred Forty-first street to One

Hundred Forty-seventh road to Brookville boulevard to Sunrise highway, thence westerly to Southern parkway to Two Hundred Thirtieth place to One Hundred Forty-first avenue to the Montauk division of the Long Island railroad, thence northward to Springfield boulevard to Montauk street to Merrick boulevard to One Hundred Eightieth street to Farmers boulevard to Linden boulevard to One Hundred Eightieth street to Liberty avenue to One Hundred Seventy-seventh street to Ninety-third avenue to One Hundred Eighty-third street to Jamaica avenue to One Hundred Eighty-eighth street to Grand Central parkway to Springfield boulevard to Seventy-third avenue to Bell boulevard to the Horace Harding (Long Island) expressway to Two Hundred Twentieth street to Springfield boulevard to Forty-sixth avenue to Two Hundred Twenty-third street to Northern boulevard to the Cross Island parkway to the Horace Harding (Long Island) expressway to a point where the Horace Harding (Long Island) expressway intersects the boundary line between the county of Queens and the county of Nassau, thence southerly along said boundary to the place of beginning.

10. Tenth district. That part of the county of Queens within and bounded by a line described as follows: Beginning at a point where Quigley boulevard intersects the boundary line between the county of Queens and the county of Nassau, thence southwesterly on Quigley boulevard to Rockaway boulevard, to Brookville boulevard, to One Hundred Forty-ninth avenue, to Two Hundred Forty-first road, to One Hundred Forty-seventh road, to Brookville boulevard, to Sunrise highway, thence westerly to Southern parkway, to Two Hundred Thirtieth place, to One Hundred Forty-first avenue, to the Montauk division of the Long Island railroad, thence northward to Springfield boulevard, to Montauk street, to Merrick boulevard, to One Hundred Eightieth street, to Farmers boulevard, to

Linden boulevard, to One Hundred Eightieth street, to Liberty avenue, to Merrick boulevard, to One Hundred Eighth avenue, to Union Hall street, to One Hundred Ninth avenue, to Sutphin boulevard, to One Hundred fiftieth street, to South road, to Pine Grove street, to Liberty avenue, to One Hundredth street, to Rockaway boulevard, to Atlantic avenue, to a point where Atlantic avenue intersects the boundary line between the county of Queens and the county of Kings, thence southerly along said boundary line to Spring creek, thence proceeding along said boundary line as it twists and turns through the waters of Jamaica bay, Rockaway inlet and along said boundary line through the Atlantic ocean, to that point in the Atlantic ocean where the county of Queens intersects the boundary line of the county of Nassau, thence northerly along said boundary line as it winds and turns to the place of beginning.

11. Eleventh district. That part of the county of Queens within and bounded by a line described as follows: Beginning at a point where Liberty avenue intersects the Van Wyck expressway, running along Liberty avenue to Pinegrove street, to South road, to One Hundred Fiftieth street, to the intersection of One Hundred Fiftieth street and Sutphin boulevard, along Sutphin boulevard to One Hundred Ninth avenue, to Union Hall street, to One Hundred Eighth avenue, to Merrick boulevard, to Liberty avenue, to One Hundred Seventy-seventh street, to Ninety-third avenue, to One Hundred Eighty-third street, to Jamaica avenue, to One Hundred Eighty-eighth street, to Grand Central parkway, along Grand Central parkway to Springfield boulevard, to Seventy-third avenue, to Bell boulevard, to the Horace Harding expressway (Long Island expressway), along the Horace Harding expressway to Two Hundred Twentieth street, to Springfield boulevard, to Forty-sixth avenue, to Two Hundred Twenty-third

street, to Forty-third avenue, to Bell boulevard, to Northern boulevard, along Northern boulevard to the Clearview expressway, to Forty-fifth road, to Francis Lewis boulevard, to Forty-seventh avenue, to Fresh Meadow lane, to Auburndale lane, to Northern boulevard, along Northern boulevard to Sanford avenue, to One Hundred Fifty-eighth street, to Forty-first avenue, to One Hundred Fifty-sixth street, to Barclay avenue, to Murray street, to Northern boulevard, along Northern boulevard to Parsons boulevard, south on Parsons boulevard to Ash avenue, to Kissena boulevard, to Horace Harding expressway (Long Island expressway), along the Horace Harding expressway to Grand Central Parkway, thence southerly along Grand Central parkway to the Van Wyck Expressway to the point or place of beginning.

12. Twelfth district. That part of the county of Queens within and bounded by a line described as followed*: Beginning at a point where Broadway and Broadway extended intersects the boundary line between the county of New York and the county of Queens, through the waters of East Channel southeasterly along Broadway extended and along Broadway to Thirty-eighth street, to Thirty-first avenue, to Brooklyn-Queens expressway, to Northern boulevard, to Seventy-third street, to Thirty-fourth avenue, to Seventy-ninth street, to Northern boulevard, to Murray street, to Bayside avenue, to Bayside lane to Francis Lewis boulevard, to Twenty-sixth avenue, to Clearview expressway, to Thirty-fourth avenue, to Two Hundred Tenth street, to Thirty-fourth road, to Two Hundred Eleventh street, to Thirty-third road, to Thirty-second avenue, to Two Hundred Eleventh street, to Twenty-sixth avenue, to Bell boulevard, to Twenty-eighth avenue, easterly along said Twenty-eighth avenue and Twenty-eighth avenue extended across the Cross Island parkway to the boundary

* So in original. [Evidently should read "follows".]

line between the county of Queens and the county of Nassau, thence running along said boundary line northwesterly to the point where said boundary line intersects the boundary line between the county of New York and the county of Queens, thence running westerly along said boundary line between the county of Queens and the county of New York as it twists and turns to the point or place of beginning.

13. Thirteenth district. That part of the county of Queens within and bounded by a line described as follows: Beginning at a point where Stanhope street intersects the boundary line between Queens county and Kings county, running northeasterly along Stanhope street to Woodward avenue, running then along Woodward avenue northwesterly to Starr street, thence northeasterly to Metropolitan avenue, easterly along Metropolitan avenue to the intersection of Eliot avenue and Metropolitan avenue, thence northeasterly along Eliot avenue to Sixty-fifth place, thence southerly to Metropolitan avenue to Sixty-ninth street, thence northerly along Sixty-ninth street to Juniper boulevard south, to Sixty-ninth place, to Penelope avenue, to Seventy-seventh street, southerly to Furmanville road, to Eightieth street, to Metropolitan avenue, westerly along Metropolitan avenue to Seventy-third place, to Seventieth avenue, to Seventy-fourth street, to Seventy-first avenue, to Cooper avenue, then easterly along Cooper avenue to Nansen street, to Sixty-ninth avenue, to Juno street, to Seventy-first avenue, to Burns street, to Union turnpike, westerly along Union turnpike to Woodhaven boulevard, southerly along Woodhaven boulevard to Eighty-fifth avenue, to Ninety-sixth street, northerly to Park Lane south, easterly along Park Lane south to One Hundred Twelfth street, to Eighty-fourth avenue, to the intersection of Brevort street and Eighty-fourth avenue, northeasterly on Brevort street to Metropolitan avenue, south-

easterly along Metropolitan avenue to the intersection of Hillside avenue and Metropolitan avenue, thence easterly along Hillside avenue to the Van Wyck expressway, thence running northerly along the Van Wyck expressway to Grand Central Parkway, along Grand Central Parkway to the intersection of Grand Central Parkway and the Horace Harding expressway (Long Island expressway), thence westerly along the Horace Harding expressway to Ninety-ninth street, thence southerly along Ninety-ninth street to Sixty-fourth avenue, thence westerly to Queens boulevard, thence northwesterly along Queens boulevard to the intersection of Queens boulevard and Broadway, thence northerly along Broadway to the intersection of Broadway and Woodside avenue, thence westerly along Woodside avenue to the intersection of Woodside avenue and Roosevelt avenue, thence southwesterly along Roosevelt avenue to the intersection of Skillman avenue and Roosevelt avenue, thence westerly on Skillman avenue to Queens boulevard, thence northwesterly on Queens boulevard to the roadway of Queensborough bridge and along said roadway to the point where said roadway extended to the waters of the East channel intersects the boundary line between the county of Queens and the county of New York, thence along said boundary to the point where the said boundary intersects the boundary line between the county of Kings and the county of Queens, thence southerly along the boundary line between the county of Queens and the county of Kings as it winds and turns to the point or place of beginning.

14. Fourteenth district. That part of the county of Queens within and bounded by a line described as follows: Beginning at a point where Broadway and Broadway extended intersects the boundary line between the county of New York and the county of Queens, through the waters of East Channel southerly along Broadway ex-

tended and along Broadway to Thirty-eighth street, to Thirty-first avenue, to Brooklyn-Queens expressway, to Northern boulevard, to Seventy-third street, to Thirty-fourth avenue, to Seventy-ninth street, to Northern boulevard, to Parsons boulevard, to Ash avenue, to Kissena boulevard, to Horace Harding expressway (Long Island expressway) to Ninety-ninth street, to Sixty-fourth avenue, to Queens boulevard, to Broadway, to Woodside avenue, to Roosevelt avenue, to Skillman avenue, to Queens boulevard, to Bridge Plaza north, to Queensboro bridge, to Queensboro bridge extended through the waters of East channel to the point where it intersects the boundary line between the county of New York and the county of Queens and along such boundary line as it winds and turns through the waters of East channel to the point or place of beginning.

15. Fifteenth district. That part of the county of Queens and the county of Kings within and bounded by a line described as follows: Beginning at a point where Atlantic avenue intersects the boundary line between the county of Kings and the county of Queens, proceeding easterly on Atlantic avenue to Rockaway boulevard, to One Hundredth street, to Liberty avenue, to Van Wyck expressway, northerly to Hillside avenue, westerly to the intersection of Metropolitan avenue and Hillside avenue, northwesterly along Metropolitan avenue to Brevort street, southwesterly to Eighty-fourth avenue, to One Hundred Twelfth street, to Parklane south, to Ninety-sixth street, to Eighty-fifth avenue, to Woodhaven boulevard, northerly on Woodhaven boulevard to Union turnpike, easterly on Union turnpike to Burns street, northwesterly to Seventy-first avenue, to Juno street, to Sixty-ninth avenue, to Nansen street, to Cooper avenue, thence westerly along Cooper avenue to Seventy-first avenue, to Seventy-fourth street, to Seventieth avenue, to Seventy-third place, to

Metropolitan avenue, to Eightieth street, to Furmanville road, westerly to Seventy-seventh street, to Penelope avenue, to Sixty-ninth place, to Juniper boulevard south, to Sixty-ninth street, southerly along Sixty-ninth street to Metropolitan avenue, westerly along Metropolitan avenue to Sixty-fifth place, northerly to Eliot avenue, southwesterly to Metropolitan avenue, westerly along Metropolitan avenue to Starr street, southwesterly to Woodward avenue, southeasterly along Woodward avenue to Stanhope street, southwesterly along Stanhope street to a point where Stanhope street intersects the boundary line between the county of Queens and the county of Kings, thence southwesterly on Stanhope street to Irving avenue, to Schaefer street, to Evergreen avenue, to Decatur street, to Broadway, to Fulton street, to Highland place, to Atlantic avenue, easterly to place of beginning.

16. Sixteenth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Coney Island avenue and Coney Island avenue extended into the waters of the Atlantic ocean, thence northerly along Coney Island avenue extended and Coney Island avenue, to avenue N, to East Fifteenth street, to Elm avenue to avenue M, to East Seventeenth street, to avenue L, to East Eighteenth street, to avenue J, to East Twenty-ninth street, to avenue K, to Flatbush avenue, to avenue K, to East Forty-second street, to avenue I, to Flatlands avenue, to Ralph avenue, to Church avenue, to Remsen avenue, to avenue D, to East Eighty-eight street, to Farragut road, to East Ninety-third street, to Flatlands avenue, to East Eighty-sixth street, to avenue L, to East Eighty-ninth street, to avenue N, to Rockaway parkway, thence southerly along Rockaway parkway and Rockaway parkway extended to the waters of Jamaica bay, thence westerly, southerly and westerly to the waters of Jamaica bay, Rockaway inlet and the Atlantic ocean to the place of beginning.

17. Seventeenth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Myrtle avenue intersects Lewis avenue, to Vernon avenue, to Broadway, to Reid avenue, to Fulton street, to Rochester avenue, to St. Marks avenue, to Buffalo avenue, to Eastern parkway, to Ralph avenue, to East New York avenue, to Howard avenue, to Blake avenue, to Rockaway avenue, to Livonia avenue, to Junis street, to East New York avenue, to Broadway, to Decatur street, to Evergreen avenue, to Schaefer street, to Irving avenue, to Stanhope street, to Cypress avenue (the boundary line between the county of Kings and the county of Queens), to Flushing avenue, to Sumner avenue, to Broadway, to Lewis avenue, to Myrtle avenue, to the place of beginning.

18. Eighteenth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Atlantic avenue intersects the dividing line between the county of Kings and the county of Queens, thence westerly along Atlantic avenue, to Highland place, to Fulton street, to East New York avenue, to Junius street, to Livonia avenue, to Rockaway avenue, to Blake avenue, to Howard avenue, to East New York avenue, to East Ninety-first street, to Clarkson avenue, to Remsen avenue, to Linden boulevard, to East Ninety-first street, to Church avenue, to Remsen avenue, to avenue D, to East Eighty-eighth street, to Farragut road, to East Ninety-third street, to Flatlands avenue, to East Eighty-sixth street, to avenue L, to East Eighty-ninth street, to avenue N, to Rockaway parkway, thence southerly along Rockaway and Rockaway parkway extended, to the waters of Jamaica bay, thence westerly, southerly, easterly and northerly through the waters of Jamaica bay to a point where the dividing line between the county of Kings and the county of Queens extended intersects, thence northerly

along said county line extended and said county line as it winds and turns to the place of beginning.

19. Nineteenth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Lewis avenue intersects Myrtle avenue, along Myrtle avenue, to Throop avenue, to Stockton street, to Tompkins avenue, to Myrtle avenue, to Hall street, to Lafayette avenue, to Grand avenue, to Atlantic avenue, to Washington avenue, to Pacific street, to Grand avenue, to Washington avenue, to St. Johns place, to Underhill avenue, to Eastern parkway, to Plaza street, to Flatbush avenue, to Empire boulevard, to Franklin avenue, to Sullivan place, to Bedford avenue, to Empire boulevard, to Nostrand avenue, to Carroll street, to Ford street, to East New York avenue, to Ralph avenue, to Eastern parkway, to Buffalo avenue, to St. Marks avenue, to Rochester avenue, to Fulton street, to Reid avenue, to Broadway, to Vernon avenue, to Lewis avenue to the place of beginning.

20. Twentieth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where the dividing line between the county of Kings and the county of Queens intersects Flushing avenue, thence westerly along Flushing avenue to Sumner avenue, to Broadway, to Lewis avenue, to Myrtle avenue, to Throop avenue, to Stockton street, to Tompkins avenue, to Myrtle avenue, to Prince street, to Tillary street, to Gold street, to Johnson street, to Jay street, to Sands street, to Pearl street, to Prospect street, to Fulton street, thence westerly along Fulton street, and Fulton street extended, to the waters of the East river, thence northerly and easterly through the waters of the East river and Newton creek and southerly along the dividing line between the county of Kings and county of Queens to the place of beginning.

Appendix B.

21. Twenty-first district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where East Eighteenth street, and avenue J intersect, thence easterly along avenue J, to East Twenty-ninth street, to avenue K, to Flatbush avenue, to avenue K, to East Forty-second street, to avenue I, to Flatlands avenue, to Ralph avenue, to Church avenue, to East Ninety-first street, to Linden boulevard, to Remsen avenue, to Clarkson avenue, to East Ninety-first street, to East New York avenue, to Ford street, to Carroll street, to Nostrand avenue, to Empire boulevard, to Bedford avenue, to Sullivan place, to Franklin avenue, to Empire boulevard to intersection of Ocean and Flatbush avenue, thence along Ocean avenue to Parkside avenue, to Parade place, to Caton avenue, to East Eighteenth street, to Tennis court, to East Nineteenth street, to Beverly road, to Ocean avenue, to Farragut road, to East Twenty-second street, to Campus road, thence easterly, southerly and westerly along Campus road, to East Twenty-second street, to avenue I, to East Eighteenth street, thence southerly along East Eighteenth street to the place of beginning.

22. Twenty-second district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Coney Island avenue extended and Coney Island avenue intersect the waters of Rockaway inlet, thence northerly along Coney Island avenue extended and Coney Island avenue to avenue N, to East Fifteenth street, to intersection of Elm avenue, to avenue M, to East Seventeenth street, to avenue L, to East Eighteenth street, to avenue I, to East Twenty-second street, to Campus road, thence easterly, northerly and westerly along Campus road to East Twenty-second street, to Farragut road, to Ocean avenue, to Beverly road, to East Nineteenth street, to Tennis court, to East Eighteenth street, to Caton avenue, to Parade place, to Parkside ave-

nue, to Park circle, to Prospect Park Southwest, to Greenwood avenue, to MacDonald avenue, to Fort Hamilton parkway, to Thirty-sixth street, to Fourteenth avenue, to Fortieth street, to Sixteenth avenue, to Fifty-first street, to Nineteenth avenue, to Fifty-fifth street, to Eighteenth avenue, to Fifty-eighth street, to Bay parkway, to West Eighth street, to avenue P, to West Ninth street, to Quentin road, to West Twelfth street, to avenue T, to West Ninth street, to Eighty-sixth street, to West Eighth street, to avenue X, thence easterly along avenue X to the intersection of avenue X, Eighty-sixth street, MacDonald avenue and Shell road, thence southerly along Shell road to West Sixth street, to Neptune avenue, to West Eighth street, to Surf avenue, to Stillwell avenue; thence southerly along Stillwell avenue and Stillwell avenue extended, to the waters of Rockaway Inlet, thence easterly through the waters of Rockaway Inlet to the place of beginning.

23. Twenty-third district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Bay Eighth street and Bay Eighth street extended to the waters of Gravesend bay, thence northerly along Bay Eighth Street extended and Bay Eighth street, to Eighty-sixth street, to Bay Sixteenth street, to Eighty-fifth street, to Eighteenth avenue, to Eightieth street, to New Utrecht avenue, to Seventeenth avenue, to Seventy-second street, to Sixteenth avenue, to Seventieth street, to Fifteenth avenue, to Ovington avenue, to Fourteenth avenue, to Sixty-third street, to Twelfth avenue, to Fifty-ninth street, to Tenth Avenue, to Fort Hamilton parkway, to Fifty-first street, to Eighth avenue, to Thirty-seventh street, to Fort Hamilton parkway, to Thirty-sixth street, to Fourteenth avenue, to Fortieth street, to Sixteenth avenue, to Fifty-first street, to Nineteenth avenue, to Fifty-fifth street, to Eighteenth avenue, to Fifty-eighth street, to Bay parkway, to West Eighth

street, to avenue P, to West Ninth street, to Quentin road, to West Twelfth street, to avenue T, to West Ninth street, to Eighty-sixth street, to West Eighth street, to avenue X, to the intersection of Avenue X, MacDonald avenue, Eighty-sixth street and Shell road, thence southerly along Shell road to Neptune avenue, to West Eighth street, to Surf avenue, to Stillwell avenue, thence southerly along Stillwell avenue and Sillwell avenue extended to the waters of Rockaway inlet, thence westerly through the waters of Rockaway inlet and Gravesend bay to the place of beginning.

24. Twenty-fourth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Baltic street and Baltic street extended intersects the waters of the East river, thence easterly along Baltic street and Baltic street extended, to Henry street, to Kane street, to Clinton street, to Baltic street, to Court street, to Atlantic avenue, to Boerum place (Court square), along the easterly side of Court square to Willoughby street, to Jay street, to Johnson street, to Gold street, to Tillary street, to Prince street, to Myrtle avenue, to Hall street, to Lafayette avenue, to Grand avenue, to Atlantic avenue, to Washington avenue, to Pacific street, to Grand avenue, to Washington avenue, to St. Johns place, to Underhill avenue, to Eastern parkway, to Plaza street, thence southerly and westerly along Plaza street, to Union street, to Seventh avenue, to Twentieth street, to Sixth avenue, to Twenty-third street, to Fifth avenue, to Forty-ninth street, to Fourth avenue, to Sixty-third street, to Third avenue, to Shore road drive, to Bay Ridge avenue, thence westerly along Bay Ridge avenue and Bay Ridge avenue extended, to the waters of Upper bay, thence northerly through the waters of Upper bay, Buttermilk channel and the East river to the place of beginning.

25. Twenty-fifth district. That part of the county of Kings within and bounded by a line described as follows:

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Beginning at a point where Bay Eighth street and Bay Eighth street extended to the waters of Gravesend bay, thence northerly along Bay Eighth street extended and Bay Eighth street, to Eighty-sixth street, to Bay Sixteenth street, to Eighty-fifth street, to Eighteenth avenue, to Eightieth street, to New Utrecht avenue, to Seventeenth avenue, to Seventy-second street, to New Utrecht avenue, to Sixteenth avenue, to Seventieth street, to Fifteenth avenue, to Ovington avenue, to Fourteenth avenue, to Sixty-third street, to Twelfth avenue, to Fifty-ninth street, to Tenth avenue, to Fort Hamilton parkway, to Fifty-first street, to Eighth avenue, to Thirty-seventh street, to Fort Hamilton parkway, to MacDonald avenue, to Greenwood avenue, to Prospect Park Southwest, to Park circle to Parkside avenue, to Ocean avenue, to Flatbush avenue, to Plaza street, thence southerly along Plaza street, around Grand Army plaza to Union street, to Seventh avenue, to Twentieth street, to Sixth avenue, to Twenty-third street, to Fifth avenue, to Forty-ninth street, to Fourth avenue, to Sixty-third street, to Third avenue, to Shore road drive, to Bay Ridge avenue, thence westerly along Bay Ridge avenue and Bay Ridge avenue extended to the waters of Upper bay, thence southerly through the waters of Upper bay, the Narrows and Gravesend bay to the place of beginning.

26. Twenty-sixth district. Richmond county together with that part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Fulton street and Fulton street extended intersects the waters of the East river, thence southerly through the waters of the East river to the place where Baltic street and Baltic street extended intersects, thence easterly along Baltic street extended and Baltic street, to Henry street, to Kane street, to Clinton street, to Baltic street, to Court street, to Atlantic avenue, to Boerum place (Court square),

along the easterly side of Court square to Willoughby street, to Jay street, to Sands street, to Pearl street, to Prospect street, to Fulton street, thence westerly along Fulton street and Fulton street extended to the place of beginning.

27. Twenty-seventh district. That part of the county of New York within and bounded by a line described as follows: Beginning at a point where East Twentieth street extended meets the waters of the East river, thence westerly to First avenue, to East Twenty-third street, to Second avenue, to East Twenty-second street, to Third avenue, to East Ninth street, to University place, to Washington square south, to West Broadway, to West Third street, to Avenue of the Americas, to West Houston street, thence westerly through West Houston street extended to the waters of the Hudson river, thence through the waters of the Hudson river, southerly, easterly and northerly through the waters of the Hudson river, New York bay, Buttermilk channel and the Easter river, to the place of beginning, and including Governors island, Bedloe's island and Ellis island.

28. Twenty-eighth district. That part of the county of New York within and bounded by a line described as follows: Beginning at a point where East Twentieth street extended meets the waters of the East river, thence westerly to First avenue, to East Twenty-third street, to Second avenue, to East Twenty-second street, to Third avenue, to East Ninth street, to University place, to Washington square south, to West Broadway, to West Third street, to Avenue of the Americas, to West Fourteenth street, to Fifth avenue, to East Ninety-fourth street, to Third avenue, to East Eighty-sixth street, to First avenue, to East Eighty-fifth street, to York avenue, to East Eighty-second street, to East End avenue, to East Eighty-fourth street, thence easterly along East Eighty-fourth street and East Eighty-fourth street extended to the waters of the East river,

thence northerly, easterly and southerly through the waters of the West channel of the East river, the Harlem river, Long Island sound and the waters of the East channel of the East river, to the place of beginning, and including Welfare island, Ward's island and Randall's island.

29. Twenty-ninth district. That part of the county of New York within and bounded by a line described as follows: Beginning at a point where West Houston street extended meet the waters of the Hudson river, thence along West Houston street to Avenue of the Americas, thence along Avenue of the Americas to West Fourteenth street, to Fifth avenue, to West One Hundred Tenth street (Cathedral parkway), to Central Park West, to West Eighty-fourth street, to Amsterdam avenue, to West Ninety-first street, thence along West Ninety-first street and West Ninety-first street extended to the waters of the Hudson river, thence southerly through the waters of the Hudson river to West Houston street extended, to the place of beginning.

30. Thirtieth district. That part of the county of New York within and bounded by a line described as follows: Beginning at East river and East Eighty-fourth street, to East End avenue, to East Eighty-second street, to York avenue, to East Eighty-fifth street, to First avenue, to East Eighty-sixth street, to Third avenue, to East Ninety-fourth street, to fifth* avenue, to East One Hundred Tenth street (Cathedral parkway), to Lenox avenue, to West One Hundred Twenty-ninth street, to Seventh avenue, to West One Hundred Thirty-first street, to Eighth avenue, to West One Hundred thirty-third street, to St. Nicholas avenue, to West One Hundred thirty-fifth street, to East One Hundred Thirty-fifth street, to the Harlem river, through the waters

* So in original.

of the west channel of the East river and the Harlem river to the point of beginning.

31. Thirty-first district. That part of the county of New York within and bounded by a line described as follows: Beginning at the Hudson river and West Ninety-first street, to Amsterdam avenue, to West Eighty-fourth street, to Central park west, to West One Hundred Tenth street (Cathedral parkway), to Lenox avenue, to West One Hundred Twenty-ninth street, to Seventh avenue, to West One Hundred Thirty-first street, to Eighth avenue, to West One Hundred Thirty-third street, to St. Nicholas avenue, to West One Hundred Thirty-fifth street extended, to Amsterdam avenue, to West One Hundred thirty-fourth street, to the Hudson river, to the point of beginning.

32. Thirty-second district. That part of the county of New York within and bounded by a line described as follows: Beginning at West One Hundred Thirty-fourth street and the Hudson river, to Amsterdam avenue, to West One Hundred thirty-fifth street extended, to St. Nicholas avenue, to Edgecombe avenue, to Bradhurst avenue, to West One Hundred Fifty-fifth street, to Edgecombe avenue, thence northerly along Edgecombe avenue to Amsterdam avenue, to the intersection of West One Hundred Eighty-first street and West One Hundred Eighty-first street extended, to the waters of the Harlem river, through the waters of the Harlem river, to the dividing line between New York and Bronx counties, thence northerly and westerly along said boundary line through the waters of the Harlem river to the waters of the Hudson river, to the point of beginning.

33. Thirty-third district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Riverdale avenue intersects the dividing line between the county of Bronx and the county of Westchester, thence southerly along Riverdale

avenue to Henry Hudson parkway East, to West Two Hundred Fifty-third street, to Post road, to West Two Hundred Forty-second street, to Broadway, to Van Cortlandt Park South, to Van Cortlandt avenue West, to Sedgwick avenue, to Kingsbridge terrace, to West Two Hundred Thirty-first street, to Sedgwick avenue, to West Kingsbridge road, to University avenue, to West Burnside avenue, to University avenue, to Morton place, to Harrison avenue, to Kingsland place, to West Tremont avenue, to West One Hundred Seventy-seventh street, to Jerome avenue, to East One Hundred Seventy-sixth street, to Grand concourse, to McClellan street, to River avenue, to East One Hundred sixty-seventh street, to Jerome avenue, to West One Hundred Sixty-sixth street, to University avenue, to West One Hundred Sixty-fifth street and West One Hundred Sixty-fifth street extended, to the waters of the Harlem river, to the dividing line between the county of Bronx and the county of New York; together with that part of the county of New York within and bounded by a line described as follows: thence southerly to East One Hundred Thirty-fifth street extended, and thence westerly along East One Hundred Thirty-fifth street extended and East One Hundred Thirty-fifth street to West One Hundred Thirty-fifth street, to St. Nicholas avenue, to Edgecombe avenue, to Bradhurst avenue, to West One Hundred Fifty-fifth street, to Edgecombe avenue, thence northerly along Edgecombe avenue to Amsterdam avenue, to the intersection of West One Hundred Eighty-first street and West One Hundred Eighty-first street extended, to the waters of the Harlem river, thence through the waters of the Harlem river to the dividing line between the county of New York and the county of Bronx, thence northerly through the waters of the Harlem river to the waters of the Hudson river, through the waters of the Hudson river to the dividing line between the county of Bronx and the

county of Westchester, thence easterly along said county line to the place of beginning.

34. Thirty-fourth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Willis avenue extended and Willis avenue intersect the waters of the Harlem river, thence northerly along Willis avenue extended and Willis Avenue, to Third avenue, to Washington avenue, to East One Hundred Sixty-ninth street, to Third avenue, to Cross Bronx expressway, to Park avenue on the west side of the New York Central railroad right-of-way to East One Hundred Eighty-fourth street, to Marion avenue, to East Fordham road, to East Kingsbridge road, to Grand concourse, to East Fordham road, to University avenue, thence along University avenue, West Burnside avenue and University avenue to Morton place, to Harrison avenue, to Kingsland place, to West Tremont avenue, to West One Hundred Seventy-seventh street, to Jerome avenue, to East One Hundred Seventy-sixth street, to Grand concourse, to McClellan street, to River avenue, to East One Hundred Sixty-seventh street, to Jerome avenue, to West One Hundred Sixty-sixth street, to University avenue, to West One Hundred Sixty-fifth street and West One Hundred Sixty-fifth street extended, to the waters of the Harlem river, thence southerly through the waters of the Harlem river to the place of beginning.

35. Thirty-fifth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where East One Hundred Forty-ninth street extended and East One Hundred Forty-ninth street intersect the waters of the East river, thence northerly along East One Hundred Forty-ninth street extended and East One Hundred Forty-ninth street to Bruckner boulevard, to East One Hundred Fifty-sixth street, to Kelly

street, to Westchester avenue, to Southern boulevard, to Cross Bronx expressway, to Third avenue, to East One Hundred Sixty-ninth street, to Washington avenue, to Third avenue, to Willis avenue and Willis avenue extended, to the waters of the Harlem river at the county line between the counties of Bronx and New York, thence easterly along said county line to the intersection of the county lines of New York county, Queens county and Bronx county, thence northerly through the waters of the East river to the place of beginning.

36. Thirty-sixth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Lacombe avenue and Lacombe avenue extended intersects the waters of the Bronx river, thence easterly along Lacombe avenue extended and Lacombe avenue to Havemeyer avenue, to Seward avenue, to Castle Hill avenue, to Lafayette avenue, to Pugsley avenue, to Bruckner boulevard, to Virginia avenue, to Gleason avenue, to Olmstead avenue, to Westchester avenue, to Hugh J. Grant circle, thence northerly, westerly and southerly around said circle to Westchester avenue, to White Plains road, to Archer street, to Leland avenue, to Guerlain street, to Beach avenue, to Manson street, to Noble avenue, to East Tremont avenue, to East One Hundred Seventy-seventh street, to Morris Park avenue, to Unionport road, to Rhinelander avenue, to Bronxdale avenue, to Muliner avenue, to Brady avenue, to Bogart avenue, to Woodmansten place, to Esplanade, to Pelham parkway south, to Laconia avenue, to Mace avenue, to Ten Broeck avenue, to Allerton avenue, to Bronx park east, to Pelham parkway north, to Boston road, to Fordham road, to Southern boulevard, to East One Hundred Eightieth street, to Park avenue on the west side of the New York Central railroad right-of-way, to Cross Bronx expressway, to Southern boulevard, to Westchester avenue, to Kelly street, to

East One Hundred Fifty-sixth street, to Bruckner boulevard, to East One Hundred Forty-ninth street and East One Hundred Forty-ninth street extended, to the waters of the East river, thence easterly through the waters of the East river to the waters of the Bronx river, thence northerly through the waters of the Bronx river to the place of beginning.

37. Thirty-seventh district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Van Cortlandt avenue west intersects Van Cortlandt park south, thence easterly along Van Cortlandt park south and West Gun Hill road, to Jerome avenue, to Bainbridge avenue, to Two Hundred Eleventh street, to Decatur avenue, to East Two Hundred Fifth street, to a point where East Two Hundred Fifth street could intersect vertically the waters of the Bronx river, thence northerly through the waters of the Bronx river to a point where East Gun Hill road and the Bronx river would meet, to East Two Hundred Eleventh street, to Bronx boulevard, to East Two Hundred Thirteenth street, to Olinville avenue, to East Two Hundred Sixteenth street, to Willett avenue, to East Two Hundred Nineteenth street, to Carpenter avenue, to East Two Hundred Twenty-third street, to White Plains road, to East Two Hundred Thirty-third street, to Baychester avenue, to East Two Hundred Twenty-second street, to Grace avenue, to Adee avenue, to Tiemann avenue, to Waring avenue, to Woodhull avenue, to East Gun Hill road, to Burke avenue, to Bouck avenue, to Adee avenue, to Throop avenue, to Allerton avenue, to Bronx park east, to Pelham parkway north, to Boston road, to East Fordham road, to Southern boulevard, to East One Hundred Eightieth street, to Park avenue on the west side of the New York Central railroad right-of-way, to East One Hundred Eighty-fourth street, to Marion avenue, to East Fordham road, to East Kings-

bridge road, to Grand concourse, to East Fordham road, thence along East Fordham road and West Fordham road to University avenue, to West Kingsbridge road, to Sedgwick avenue, to East Two Hundred Thirty-first street, to Kingsbridge terrace, to Sedgwick avenue, to Van Cortlandt avenue west, to the place of beginning.

38. Thirty-eighth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Riverdale avenue intersects the dividing line between the county of Bronx and the county of Westchester, thence southerly along Riverdale avenue to Henry Hudson parkway east, to West Two Hundred Fifty-third street, to Post road, to West Two Hundred Forty-second street, to Broadway, to Van Cortlandt park south and West Gun Hill road, to Jerome avenue, to Bainbridge avenue, to East Two Hundred Eleventh street, to Decatur avenue, to East Two Hundred Fifth street, to a point where a vertical line would intersect the waters of the Bronx river, thence northerly through the waters of the Bronx river to a point where the Bronx river would intersect East Gun Hill road and East Two Hundred Eleventh street, thence westerly on East Two Hundred Eleventh street to Bronx boulevard, to East Two Hundred Thirteenth street, to Olinville avenue, to East Two Hundred Sixteenth street, to Willett avenue, to East Two Hundred Nineteenth street, to Carpenter avenue, to East Two Hundred Twenty-third street, to White Plains road, to East Two Hundred Thirty-third street, to Baychester avenue, to Two Hundred Twenty-second street, to Grace avenue, to Adee avenue, to Tiemann avenue, to Waring avenue, to Woodhull avenue to East Gun Hill road, to Burke avenue, to Bouck avenue, to Adee avenue, to Throop avenue, to Allerton avenue, to Ten Broeck avenue, to Mace avenue, to Laconia avenue, to Pelham parkway south, to Esplanade, to Woodmansten place, to Bogart

avenue, to Brady avenue, to Muliner avenue, to Bronxdale avenue, to Rhinelander avenue, to Unionport road, to Unionport road, to Morris Park avenue, to East One Hundred Seventy-seventh street, to East Tremont avenue, to Noble street, to Manson street, to Beach avenue, to Guerlain street, to Leland avenue, to Archer street, to White Plains road, to Westchester avenue, thence along Westchester avenue northerly, easterly and southerly around Hugh J. Grant circle to Westchester avenue, to Olmstead avenue, to Gleason avenue, to Virginia avenue, to Bruckner boulevard, to Pugsley avenue, to Lafayette avenue, to Castle Hill avenue, to Seward avenue, to Havemeyer avenue, to Lacombe avenue and Lacombe avenue extended, to the waters of the Bronx river, thence southerly through the waters of the Bronx river to the waters of the East river, thence westerly and southerly through the waters of the East river to the intersection of the county lines of Bronx county, New York county and Queens county, thence along the Bronx county line easterly through the waters of Riker's Island channel and the East river, including North Brother island, South Brother island and Riker's island, thence northerly through the waters of Long Island sound to the dividing line between the county of Bronx and the county of Westchester, thence westerly along said county line as it winds and turns to the place of beginning, also including all of the islands within the waters of the Long Island sound within the county of Bronx.

39. Thirty-ninth district. That part of the county of Westchester consisting of the cities of Mount Vernon and Rye, and the city of New Rochelle, except the portion north of the Hutchinson River parkway, towns of Pelham Mamaroneck, Rye and Eastchester, except the villages of Bronxville and Tuckahoe, and the town of Harrison except the first, second, third, fourth, fifth, tenth and eleventh election districts of such town.

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40. Fortieth district. That part of the county of Westchester consisting of the city of Yonkers, villages of Bronxville and Tuckahoe in the town of Eastchester, and the town of Greenburgh, except the twenty-ninth, forty-first, forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth election districts of such towns.

41. Forty-first district. That part of the county of Westchester consisting of the city of White Plains, city of Peekskill, towns of North Salem, Lewisboro, Pound Ridge, North Castle, Bedford, Somers, Yorktown, New Castle, Cortlandt, Ossining, Mount Pleasant and Scarsdale, that part of the town of Greenburgh consisting of the twenty-ninth, forty-first, forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth election districts, that portion of the town of Harrison consisting of the first, second, third, fourth, fifth, tenth and eleventh election districts, and that portion of the city of New Rochelle located north of the Hutchinson River parkway.

42. Forty-second district. Rockland county and all of Orange county other than the towns of Deer Park, Mount Hope, Wallkill, Crawford, Wawayanda, Greenville, Minisink, Hamptonburgh, the city of Middletown and the city of Port Jervis.

43. Forty-third district. Sullivan, Ulster and Greene counties together with the towns of Deer Park, Mount Hope, Wallkill, Crawford, Wawayanda, Greenville, Minisink, Hamptonburgh, the city of Middletown and the city of Port Jervis in Orange county.

44. Forty-fourth district. Putnam, Dutchess and Columbia counties.

45. Forty-fifth district. All of Albany county other than the towns of Bethlehem and Coeymans.

46. Forty-sixth district. Saratoga, Schenectady and Schoharie counties.

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47. Forty-seventh district. Rensselaer, Washington and Warren counties together with the towns of Bethlehem and Coeymans in Albany county.

48. Forty-eight district. Essex, Clinton, Franklin, St. Lawrence and Hamilton counties.

49. Forty-ninth district. Fulton, Montgomery, Chenango, Otsego and Delaware counties.

50. Fiftieth district. Herkimer, Lewis, Jefferson and Oswego counties.

51. Fifty-first district. Oneida county.

52. Fifty-second district. In Onondaga county, the towns of Skaneateles, Marcellus, Elbridge, Camillus, Van Buren, Lysander, Geddes, Salina, Clay, Cicero, the twelfth and seventeenth election districts in the town of DeWitt, the first election district in the town of Manlius, and in the city of Syracuse the first, second, third, fourth, fifth and sixth wards and ninth ward, except the fifth and sixth election districts thereof, the first and second election districts of the fifteenth ward, and the eighth election district of the sixteenth ward filed of said city, together with the towns of Lenox and Sullivan in Madison county.

53. Fifty-third district. In Onondaga county, the towns of Onondaga, Lafayette, Pompey, Spafford, Otisco, Tully, Fabius, the town of DeWitt, except the twelfth and seventeenth election districts thereof, and the town of Manlius, except the first election district thereof, and the city of Syracuse, except the first, second, third, fourth, fifth, and sixth wards, the eighth election district of the sixteenth ward, the ninth ward, but not the fifth and sixth election districts thereof, and the first and second election districts of the fifteenth ward, in said city, and the Onondaga Indian Reservation, together with the towns of Lincoln, Oneida, Cazenovia, Fenner, Smithfield, Stockbridge, Nel-

son, Easton, Madison, DeRuyter, Georgetown, Lebanon, Hamilton and Brookfield in Madison county.

54. Fifty-fourth district. Cayuga, Seneca, Schuyler, Tompkins, Yates and Cortland counties.

55. Fifty-fifth district. Broome and Tioga counties.

56. Fifty-sixth district. Chemung, Steuben and Allegany counties.

57. Fifty-seventh district. Wayne county together with the towns of Webster, Pennfield, Irondequoit, and the second, fourth, sixth, twelfth, sixteenth, seventeenth, eighteenth and twenty-second wards, and the fourth, fifth, sixth, seventh, eighth, ninth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth election districts of the twenty-first ward of the city of Rochester in the county of Monroe.

58. Fifty-eighth district. Ontario county together with the towns of Perinton, Pittsford, Brighton, and the third, fifth, seventh, eighth, eleventh, thirteenth, fourteenth and fifteenth wards, and the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second election districts of the nineteenth ward, first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth election districts of the twentieth ward, first, second, third, tenth, eleventh, twelfth and thirteenth election districts of the twenty-first ward, first, third, fourth, fifth, and sixth election districts together with that portion of the second election district in the first ward bounded and described as follows: Beginning at a point where the Baltimore and Ohio railroad Belt railroad intersects Lexington avenue to Dewey avenue, thence northerly along Dewey avenue to

Driving Park avenue, thence easterly along Driving Park avenue to Dewey avenue, thence northerly on Dewey avenue to Selye terrace, thence westerly on Selye terrace to Lark street, thence southerly on Lark street to Driving Park avenue, thence westerly and northwesterly on Driving Park avenue to the point of intersection with the Baltimore and Ohio railroad Belt railroad, thence southerly and westerly along the Baltimore and Ohio railroad Belt railroad to the point of beginning, of the city of Rochester, in the county of Monroe.

59. Fifty-ninth district. Livingston and Genesee counties together with the towns of Mendon, Rush, Wheatland, Riga, Chili, Henrietta, Gates, Ogden, Sweden, Clarkson, Hamlin, Parma, Greece and the ninth, tenth, twenty-third and twenty-fourth wards, the twelfth election district in the nineteenth ward, the eleventh election district in the twentieth ward and that portion of the second election district in the first ward bounded and described as follows: Beginning at a point where the Baltimore and Ohio railroad Belt railroad intersects Lexington avenue thence northerly and easterly along said railroad to the point where it intersects Driving Park avenue, thence northerly and westerly along Driving Park avenue to Mount Reed* boulevard, thence southerly along Mount Reed* boulevard to the intersection of the city line and Mount Reed* boulevard, thence northwesterly, southerly, westerly, southerly along said city line to the point of intersection with Lexington avenue, thence easterly along Lexington avenue to the point of beginning of the city of Rochester in the county of Monroe.

60. Sixtieth district. Orleans and Niagara counties.

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* So in original. [Word misspelled.]

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61. Sixty-first district. That part of the county of Erie within the city of Buffalo within and bounded by a line described as follows: Beginning at a point where Colvin avenue and the city line of the city of Buffalo intersect, thence southerly along Colvin avenue to Amherst street, to Parkside avenue, to Humboldt parkway, to Main street, to Virginia street, to College street, to Allen street, to Wadsworth street, to Richmond avenue, to Forest avenue, to Rees street, to Scajaquada creek, to Grant street, to Military road, to the north city line of the city of Buffalo, thence easterly along said city line to the place of beginning. Together with the city of Tonawanda and the towns Tonawanda, Grand Island and Amherst.

62. Sixty-second district. That part of the county of Erie within the city of Buffalo within and bounded by a line described as follows: Beginning at a point where Colvin avenue and Colvin avenue extended intersect the north city line of the city of Buffalo, thence southerly along Colvin avenue extended and Colvin avenue to Amherst street, to Parkside avenue to Humboldt parkway, to Main street, to East Delavan avenue, thence easterly along East Delavan avenue to the east city line of the city of Buffalo, thence northerly and westerly along said city line as it winds and turns to the place of beginning, together with part of the town of Cheektowaga within and bounded by a line beginning at a point where Genesee street intersects the dividing line between the city of Buffalo and the town of Cheektowaga, thence easterly along Genesee street to Union road, to George Urban boulevard, to Dick road, to Ellicott road, to Walden avenue, to the east town line of the town of Cheektowaga, thence northerly, westerly and southerly along said dividing line to the place of beginning, and the towns of Clarence, Newstead, Lancaster, Alden, West Seneca, Elma, Marilla, Orchard Park, Aurora and

Wales and that part of the Tonawanda Indian reservation within Erie county.

63. Sixty-third district. That part of the county of Erie within the city of Buffalo, within and bounded by a line described as follows: Beginning at a point where Military road intersects the north city line of the city of Buffalo, thence southerly along Military road to Grant street, to Scajaquada creek, to Rees street, to Forest avenue, to Richmond avenue, to Wadsworth street, to Allen street, to College street, to Virginia street, to Main street, to East Delavan avenue, to Cornwall avenue to Scajaquada street, to Colorado avenue, to Genesee street, to Rustic place, to Landsdale place, to Koons avenue, to Sycamore street, to Goodyear avenue, to the New York Central railroad, thence easterly along the New York Central railroad to a point where Wicks avenue extended and the New York Central railroad intersect, thence southerly along Wicks avenue extended and Wicks avenue to Deshler street, to Amity street, to Peck street, to Grimes street, to Milburn street, thence southerly along Milburn street and Milburn street extended to William street, to Fillmore street, to Smith street, to Seneca street, to Exchange street, to Selkirk street, to Elk street, to Smith street, to Prenatt street, to Owahn place, to South Park avenue, thence to the intersection of South Park avenue and the Buffalo river, thence southerly, and westerly through the waters of the Buffalo river as it winds and turns to a point where the waters of the Buffalo river and Ohio street intersect, thence southerly along Ohio street to Fuhrmann boulevard, thence southerly along Fuhrmann boulevard to the south city line of the city of Buffalo, thence westerly along said city line and said city line extended to the waters of Lake Erie, thence northerly through the waters of Lake Erie and the Niagara river to a point where the Niagara river intersects the north city line of the city of Buffalo extended, thence easterly along said

city line extended and said city line to the point of beginning.

64. Sixty-fourth district. That part of the county of Erie within the city of Buffalo, within and bounded by a line described as follows: Beginning at a point where East Delavan avenue and East Delavan avenue extended intersects the east city line of the city of Buffalo, thence westerly along East Delavan avenue extended and East Delavan avenue to Cornwall avenue, to Scajaquada street, to Colorado avenue, to Genesee street, to Rustic place, to Koons avenue, to Sycamore street, to Goodyear avenue, to the New York Central railroad, thence easterly along the New York Central railroad to a point where Wicks avenue extended and the New York Central railroad intersect, thence southerly along Wicks avenue extended and Wicks avenue to Deshler street, to Amity street, to Peck street, to Grimes street, to Milburn street, thence southerly along Milburn street and Milburn street extended to William street, to Fillmore street, to Smith street, to Seneca street, to Exchange street, to Selkirk street, to Elk street, to Smith street, to Prenatt street, to Owahn place, to South Park avenue, thence to the intersection of South Park avenue and the Buffalo river, thence southerly, and westerly through the waters of the Buffalo river as it winds and turns to a point where the waters of the Buffalo river and Ohio street intersect, thence southerly along Ohio street to Fuhrmann boulevard, thence southerly along Fuhrmann boulevard to the south city line of the city of Buffalo, thence easterly and northerly along said city line to the place of beginning, also together with that part of the town of Cheektowaga within and bounded by a line beginning at a point where Genesee street intersects the dividing line between the city of Buffalo and the town of Cheektowaga, thence easterly along Genesee street to Union road, to George Urban boulevard, to Dick road, to Ellicott road,

to Walden avenue to the east town line of the town of Cheektowaga, thence southerly, westerly and northerly along said town line to the place of beginning, and the city of Lackawanna and the towns of Hamburg, Evans, Eden, Boston, Colden, Holland, Brent, North Collins, Collins, Concord, Sardinia and that part of the Cattaraugus Indian reservation within the county of Erie.

65. Sixty-fifth district. Chautauqua, Cattaraugus and Wyoming counties.

ARTICLE 3—ASSEMBLY

Section 301. Number of assemblymen.
302. Apportionment of assembly districts.
303. Assembly districts.

§ 301. Number of assemblymen. The assembly shall consist of one hundred sixty-five members chosen from the districts described within and apportioned among the counties on the basis of the citizen population thereof in the year nineteen hundred sixty as set forth in this article.

§ 302. Apportionment of assembly districts. The assembly districts shall be apportioned among the counties as follows:

1. Albany. Two districts and minor portions of three districts.

2. Allegany and Wyoming. One major portion of a district.

3. Bronx. Fourteen districts.

4. Broome. Two districts and one minor portion of a district.

5. Cattaraugus and Chautauqua. Two districts and one minor portion of a district.

6. Cayuga. One major portion of a district.

7. Chemung. One district.

8. Chenango and Cortland. One major portion of a district.

9. Clinton and Franklin. One district and one minor portion of a district.

10. Columbia and Greene. One major portion of a district.

11. Delaware and Otsego. One district.

12. Dutchess and Putnam. Two districts.

13. Erie. Ten districts and one major portion of a district.

14. Essex and Warren. One major portion of a district.

15. Fulton, Hamilton, Herkimer, Montgomery and Schoharie. Two districts.

16. Genesee and Livingston. One district.

17. Jefferson and Lewis. One district and one minor portion of a district.

18. Kings. Twenty-five districts and one major portion of a district.

19. Madison and Oneida. Three districts and one minor portion of a district.

20. Monroe and Orleans. Six districts.

21. Nassau. Twelve districts, one major portion of a district and one minor portion of a district.

22. New York. Sixteen districts.

23. Niagara. Two districts and one minor portion of a district.

24. Onondaga. Four districts.

25. Ontario, Yates and Schuyler. One district.

26. Orange and Rockland. Three districts and one minor portion of a district.

27. Oswego. One major portion of a district and one minor portion of a district.

28. Queens. Seventeen districts and one minor portion of a district.

29. Rensselaer and Washington. Two districts.

30. Richmond. Two districts and one minor portion of a district.

31. St. Lawrence. One district.

32. Saratoga. One major portion of a district.

33. Schenectady. One district and one major portion of a district.

34. Seneca and Wayne. One district.

35. Steuben. One district.

36. Suffolk. Six districts and one major portion of a district.

37. Sullivan and Ulster. One district and one major portion of a district.

38. Tioga and Tompkins. One district and one minor portion of a district.

39. Westchester. Eight districts.

§ 303. Assembly districts. The assembly districts shall consist as follows:

1. First district. That part of Suffolk county consisting of the towns of Shelter Island, Riverhead, East Hampton,

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South Hampton, Southold and that part of the town of Brookhaven within and bounded by a line described as follows: Beginning at the point where Manor drive extended terminates at the waters of Long Island sound southerly on Manor drive to Harbor Beach road, thence easterly on Harbor Beach road to Pipe Stove Hollow road, thence southerly on Pipe Stove Hollow road to North Country road, thence southwesterly on North Country road to Hopkins avenue, thence southeasterly on Hopkins avenue to Hopkins road, thence southerly on Hopkins road to Mount Sinai and Coram road, thence southeasterly on Mount Sinai and Coram road to Coram road, thence southeasterly on Coram road to Middle Country road, thence westerly on Middle Country road to Coram and Yaphank road, thence southeasterly on Coram and Yaphank road to Mill road, thence southerly on Mill road to Coram road, thence easterly on Coram road to Main street, thence easterly on Main street to Yaphank road, thence southerly on Yaphank road to its intersection with Horse Block road and Route 21a, thence southerly on the Route 21a overpass of Sunrise highway to Montauk highway, thence westerly on Montauk highway to Yaphank avenue, thence southerly on Yaphank avenue to the Long Island railroad (Montauk division), thence easterly along the Long Island railroad (Montauk division) to Little Neck creek, thence southerly along Little Neck creek to Carman's river, thence southerly along Carman's river, to the waters of Great South bay, thence southerly and easterly through the waters of Great South bay to the William Floyd parkway, thence southerly on the William Floyd parkway extended southerly to the Atlantic ocean, thence easterly through the waters of the Atlantic ocean along the Brookhaven town line to the Southampton town line extended to the waters of the Atlantic ocean, thence northerly along the Brookhaven-Southampton town line to the Riverhead-Brookhaven town

line, thence westerly and northerly along the Riverhead-Brookhaven town line to the waters of Long Island sound, thence westerly through the waters of Long Island sound along the Brookhaven town line to the point of beginning.

2. Second district. That part of the county of Suffolk within and bounded by a line described as follows: That part of the town of Brookhaven beginning at a point where Manor drive extended terminates at the waters of Long Island sound, southerly on Manor drive to Harbor Beach road, thence easterly on Harbor Beach road to Pipe Stove Hollow road, thence southerly on Pipe Stove Hollow road to North Country road, thence southwesterly on North Country road to Hopkins avenue, thence southeasterly on Hopkins avenue to Hopkins road, thence southerly on Hopkins road to Mount Sinai and Coram road, thence southeasterly on Mount Sinai and Coram road to Coram road, thence southeasterly on Coram road to Middle Country road, thence westerly on Middle Country road to Coram and Yaphank road, thence southeasterly on Coram and Yaphank road to Mill road, thence southerly on Mill road to Coram road, thence easterly on Coram road to Main street, thence easterly on Main street to Yaphank road, thence southerly on Yaphank road to its intersection with Horse Block road and Route 21a, thence southerly on Route 21a overpass of Sunrise highway to Montauk highway, thence westerly on Montauk highway to Yaphank avenue, thence southerly on Yaphank avenue to the Long Island railroad (Montauk division), thence easterly along the Long Island railroad (Montauk division) to Little Neck creek, thence southerly along Little Neck creek to Carman's river, thence southerly along Carman's river to the waters of Great South bay, thence southerly and easterly through the waters of Great South bay to the William Floyd parkway, thence southerly on the William Floyd parkway extended southerly to the Atlantic ocean,

thence westerly through the waters of the Atlantic ocean along the Brookhaven town line to the Islip town line extended to the waters of the Atlantic ocean, thence northerly and easterly through the waters of Great south bay along the Islip-Brookhaven town line and northerly along said line to the Long Island railroad (Montauk division), thence westerly along the Long Island railroad (Montauk division) to Lincoln avenue, thence northerly on Lincoln avenue to Partington street, thence westerly on Partington street to Lincoln avenue, thence northerly on Lincoln avenue to Sunrise highway, thence westerly on Sunrise highway to Carleton avenue, thence northerly on Carleton avenue to Manhattan boulevard, thence easterly on Manhattan boulevard to Bellmore avenue, thence northerly on Bellmore avenue to Valley Stream street, thence westerly on Valley Stream street to Centre avenue, thence northerly on Centre avenue to Lowell avenue, thence on Lowell avenue to the Long Island railroad (main line), thence westerly on the Long Island railroad (main line) to the point of intersection of Hawthorne avenue as extended with the Long Island railroad (main line), thence northerly along Hawthorne avenue as extended to Bridge road, thence westerly on Bridge road to Lincoln boulevard, thence northerly on Lincoln boulevard to the Smithtown-Islip town line, thence easterly and northeasterly along said line to the Brookhaven town line, thence northerly along the Brookhaven-Smithtown town line as extended to the waters of Long Island sound to the waters of Long Island sound town, thence northerly and easterly through the waters of Long Island sound along the Brookhaven town line to the point of beginning.

3. Third district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point in the Atlantic ocean at the southernmost point of the Islip-Brookhaven town line northerly

and easterly through the waters of Great South bay along the Islip-Brookhaven town line and northerly along said line to the Long Island railroad (Montauk division), thence westerly along the Long Island railroad (Montauk division) to Lincoln avenue, thence northerly on Lincoln avenue to Partington street, thence westerly on Partington street to Lincoln avenue, thence northerly on Lincoln avenue to Sunrise highway; thence westerly on Sunrise highway to Carleton avenue, thence northerly on Carleton avenue to Manhattan boulevard, thence easterly on Manhattan boulevard to Bellmore avenue, thence northerly on Bellmore avenue to Valley Stream street, thence westerly on Valley Stream street to Centre avenue, thence northerly on Centre avenue to Lowell avenue, thence northerly on Lowell avenue to the Long Island railroad (main line), thence westerly on the Long Island railroad (main line) to Sagtikos parkway, thence southerly on Sagtikos parkway to Captree State parkway (Robert Moses causeway), thence southerly on the Captree State parkway (Robert Moses causeway) to Ocean parkway, thence westerly on Ocean parkway to the Islip-Babylon town line, thence southerly along the Islip-Babylon town line to the waters of the Atlantic ocean, thence easterly through the waters of the Atlantic ocean to the point of beginning.

4. Fourth district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where the Smithtown-Brookhaven town line extended northerly intersects the waters of Long Island sound southerly along said town line as extended to the Smithtown-Islip town line, thence southwesterly and westerly along the Smithtown-Islip town line to Lincoln boulevard, thence southerly on Lincoln boulevard to Bridge road, thence easterly on Bridge road to Hawthorne avenue, thence southerly on Hawthorne avenue as extended southerly to the point of intersection with the Long Island

railroad (main line), thence westerly along said railroad to the Islip-Babylon town line, thence northerly along the Islip-Babylon town line to the Huntington-Islip town line, thence northerly along said line to the Huntington-Smithtown town line, thence northerly along the Huntington-Smithtown line to Daly road, thence northwesterly along Daly road to Larkfield road, thence northerly on Larkfield road to Laurel road, thence northwesterly along Laurel road to the Northport village line, thence westerly and northerly along said line to Northport harbor, thence northerly through the waters of Northport harbor to Northport bay, thence westerly through the waters of Northport bay (north of Little Neck point and south of West Beach) and northerly through the waters of Huntington bay to the waters of Long Island sound, thence easterly through the waters of Long Island sound to the point of beginning.

5. Fifth district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where Ocean parkway intersects the Islip-Babylon town line northerly and northwesterly to the waters of Great South bay, thence westerly through the waters of Great South bay, north of all islands between Great South bay and the Atlantic ocean, thence northwesterly through said waters to the southwesterly most point of the Lindenhurst village line, thence northerly along said line and continuing northerly along said creek to the Babylon-Farmingdale road, thence †northerly along said creek to the Babylon-Farmingdale road, thence† northwesterly along said road to Third street, thence easterly on Third street to Little East Neck road, thence northwesterly on Little East Neck road to Straight path, and thence northeasterly on Straight path to Half Hollows road, thence

† So in original. [Matter between daggers evidently repetition.]

northeasterly on Half Hollows road to the Huntington-Babylon town line, thence easterly along said line to the Islip town line, thence southerly along the Islip-Babylon town line to the Long Island railroad (main line), thence easterly along said railroad to Sagtikos* parkway, thence southerly on Sagtikos* parkway to Captree state parkway (Robert Moses causeway), thence southerly on Captree state parkway (Robert Moses causeway) to Ocean parkway, thence westerly on Ocean parkway to the point of beginning.

6. Sixth district. That part of the county of Suffolk within and bounded by a line described as follows: Beginning at a point where the dividing line between the county of Suffolk and the county of Nassau extended intersects the waters of Long Island sound southerly along said line as extended and along the dividing line between the county of Suffolk and the county of Nassau to the Huntington-Babylon town line, thence easterly along said line to the Huntington-Islip town line, thence northerly along said dividing line and the Huntington-Smithtown town line to Daly road, thence northwesterly along Daly road to Larkfield road, thence northerly on Larkfield road to Laurel road, thence northwesterly along Laurel road to the Northport village line, thence westerly and northerly along said line to Northport harbor, thence northerly through the waters of Northport harbor to Northport bay, thence westerly through the waters of Northport bay (north of Little Neck Point and south of West Beach) and northerly through the waters of Huntington bay to the waters of Long Island sound, thence westerly through the waters of Long Island sound to the point of beginning.

7. Seventh district. That part of the county of Suffolk and the county of Nassau within and bounded by a line

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* So in original. [Word misspelled.]

described as follows: Beginning at a point where the Islip-Babylon town line extended intersects the waters of the Atlantic ocean northerly and northwesterly along said line to the waters of Great South bay, thence westerly to the waters of Great South bay, north of all islands between Great South bay and the Atlantic ocean, thence northwesterly through said waters to the southwesterly most point of the Lindenhurst village line, thence northerly along said line and continuing to a point where said line intersects with Santapogue creek, thence northerly along said creek to the Babylon-Farmingdale road, thence northwesterly along said road to Third street, thence easterly on Third street to Little East Neck road, thence northwesterly on Little East Neck road to Straight path, and thence northeasterly on Straight path to Half Hollows road, thence northeasterly on Half Hollows road to the Huntington-Babylon town line, thence westerly on the Babylon-Huntington town line to the Nassau county line, thence southerly on the Nassau-Suffolk county line to Southern State parkway, thence westerly on Southern State parkway to the western village line of Massapequa Park, thence southerly along said line to the waters of South Oyster bay, thence easterly through said waters, north of all islands between South Oyster bay and the Atlantic ocean, to the Nassau-Suffolk county line, thence southerly along said line to the waters of the Atlantic ocean, thence easterly through said waters to the point of beginning.

8. Eighth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at the point where the county line of Nassau and Suffolk intersects the south village line of Farmingdale, thence northwesterly along said line to Bethpage turnpike, to Bethpage State parkway, southeasterly to Boundary avenue westerly to Hicksville-Massapequa road southerly to Old Post road westerly to the town line of Oyster Bay and

Hempstead, thence northerly to Seaman's Neck road southerly along said road to Miller place, thence to Wantagh avenue to Sunrise lane to Green lane to Copper lane to Halter lane to Gardner avenue-Jerusalem road southerly to Old Jerusalem road easterly to Wantagh avenue southerly to the Long Island railroad right-of-way easterly to Oakland avenue southerly to Willoughby avenue to Merrick road easterly to Neptune avenue to James River tideway westerly along said waters to Ocean avenue southerly to Seaman's island creek easterly along said creek to Great Island channel, to Goose Island drain to the town line of Oyster Bay and Hempstead southerly along said line to the Atlantic ocean, thence easterly to the western village line of Massapequa park extended, thence northerly along said extended line and along the said west village line to the north village line and easterly to the Southern State parkway, along said parkway to the county line of Suffolk-Nassau, northerly to the place of beginning.

9. Ninth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where the boundary line of Nassau-Suffolk county intersects Jericho turnpike, thence westerly to the east Norwich-Oyster Bay road, thence southerly along said road to the intersection with Broadway at Bethpage road, thence along Bethpage road to Willett avenue to Marion street, thence southerly to Violet avenue, thence easterly along Violet avenue extended to the Long Island railroad right-of-way, southerly to Bethpage road, to Woodbury road, southwesterly on Woodbury road to Park avenue, thence southerly on Park avenue to Plainview road, thence easterly to South Oyster Bay road, thence southerly to South Oyster Bay extension along said extension to Hazel street, thence westerly to Bloomingdale road, thence southerly along Bloomingdale road to the town line of North Hempstead and Oyster Bay, thence easterly along said

town line, thence southerly along said town line to Old Post road, thence easterly along Old Post road to Hicksville-Massapequa road to Boundary avenue, to the Bethpage state parkway, northerly to Bethpage turnpike, easterly to the village line of Farmingdale, thence southeasterly along said village line to the town of Oyster Bay and Suffolk county line, northerly along said line to the point of beginning.

10. Tenth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where the town line of Oyster Bay and North Hempstead intersect Old Country road, thence northwesterly along said town line to Northern State parkway, thence easterly to Roy avenue, thence southerly to Sixteenth street, thence easterly along Sixteenth street to Broadway, southerly to Bethpage road, thence southeasterly along Bethpage road to Willett avenue, easterly to Marion street, to Violet avenue extended to the Long Island railroad, thence southerly along the Long Island railroad right-of-way to Bethpage road, to Woodbury avenue, to Park avenue to Plainview road, easterly to Eastern boulevard, thence southerly along Eastern boulevard and South Oyster Bay road to South Oyster Bay extension, to Hazel street, to the intersection of Broadway and Bloomstead, thence easterly along said town line and southerly to Seaman's Neck road, thence westerly along Seaman's Neck road to Miller place, to Sunrise lane, to Green lane, to Copper lane, to Halter lane, to Gardner avenue, to Knoll lane, to Center lane, thence northerly on Center lane, to Bethpage turnpike (Hempstead turnpike, Conklin street) thence westerly along on Meadowbrook State parkway extension, to Stewart avenue, to Post avenue (Merrick avenue), thence northerly along Post avenue, to the town line of Hempstead and North Hempstead, thence easterly to the place of beginning.

Appendix B.

11. Eleventh district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where the North Hempstead-Oyster Bay boundary line intersects the Northern State parkway, thence easterly along the said parkway to the intersection with Roy avenue, thence southerly along Roy avenue to Sixteenth street, thence easterly to Hicksville-Jericho road (Broadway), thence northerly along Hicksville-Jericho road to the intersection with Jericho turnpike, thence easterly along Jericho turnpike to the Nassau-Suffolk county line, thence northerly along the Nassau-Suffolk county line as it winds and curves northerly, westerly and southerly through Cold Spring harbor, Long Island sound and into Hempstead Bay to the Oyster Bay-North Hempstead town line extended, thence southeasterly to a point where said town line is intersected by the north village line of Old Westbury, thence running along said village line in a general westerly, southerly and easterly direction to its intersection with Sylvan lane (extended from the south); continue south, across the Northern State parkway through Sylvan lane to Walnut street, thence easterly through Walnut street to its intersection with St. Bridgets lane, thence southerly through St. Bridgets lane to Maple avenue, thence easterly along Maple avenue to its intersection with Post avenue, thence southerly along Post avenue to its intersection with the town line dividing the town of Hempstead and the town of North Hempstead, thence easterly along said town line to its intersection with the town line dividing the town of North Hempstead and the town of Oyster Bay, thence running along said town line in a northerly and northwesterly direction to its intersection with the Northern State parkway, the point or place of beginning.

12. Twelfth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where Meadowbrook parkway extended

intersects the Atlantic ocean, thence northerly to Sloop channel, thence easterly and northerly to Haunts creek channel to Broad creek channel to Baldwin creek to Whaleneck creek to the intersection of Woodpecker lane extended to the right-of-way of the Long Island railroad, thence westerly along said right-of-way to Merrick avenue, thence northerly to Bethpage turnpike, easterly to Center lane southerly to Knoll lane easterly to Gardner avenue and Jerusalem road thence southerly and easterly along said road to Wantagh avenue, thence southerly to the Long Island railroad right-of-way easterly to Oakland avenue, southerly to Willoughby avenue southerly to Merrick road, easterly to Neptune avenue, southerly to the end of Neptune avenue, westerly along the waters of the James river tideway to Ocean avenue, southerly to Seaman's Island creek, easterly to Great Island channel to Goose Island drain, to the town line of Hempstead and Oyster Bay, thence southerly to the Atlantic ocean, thence westerly *along the southern boundary* of Jones Beach state park to the place of beginning.

13. Thirteenth district. That part of the County of Nassau within and bounded by a line described as follows: Beginning at a point where Clayton avenue extended intersects the south village line of Atlantic beach thence northerly along said extended avenue to the north village line of Atlantic beach thence easterly and following the north city line of Long Beach, to the east village line of Lawrence, thence northerly along said village line of Lawrence to village line of Woodsburgh, northeasterly along said line to the village line of Hewlett Neck, thence northeasterly along said line to the village line of Hewlett Harbor, thence easterly and southerly through the waters of Hewlett bay and East Rockaway channel to Hog Island channel to the Long Island railroad right-of-way, northerly to Oceanside parkway to Long Beach road to the village line of Rock-

ville Centre to the Long Island railroad right-of-way, to the intersection of Woodpecker lane extended, Whaleneck creek to Baldwin creek, to Haunts creek channel, thence southerly and westerly to the Meadowbrook parkway, southerly along said parkway extended to the Atlantic ocean, thence westerly through said waters to the place of beginning.

14. Fourteenth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where Southern state parkway intersects Dogwood avenue, thence northerly to Nassau boulevard to Hempstead turnpike easterly to the village line of Hempstead southerly along said line to the Southern State parkway to the Meadowbrook parkway, thence northerly along said parkway to Jerusalem avenue, thence easterly along said avenue to Merrick avenue, thence southerly to the Long Island railroad right-of-way, thence westerly to the west village line of Rockville Centre, thence northerly along the village line of Rockville Centre to the village line of Lynbrook northerly along said line to the village line of Malverne northerly and westerly along said line to the place of beginning.

15. Fifteenth district. That part of the town of Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the dividing line between the town of Hempstead and the town of North Hempstead intersects the east village line of the village of Floral Park, thence southerly and easterly along said village line, to the village line of Stewart Manor, thence northerly and easterly and southerly along the village line of Stewart Manor, to the south village line of Garden City, thence easterly along said village line to Yale road, to First place, to Caroline avenue, to Fulton avenue (Hempstead-Jamaica turnpike), easterly to the west village line of the village of Hempstead, thence southerly and

easterly along said village line, as it winds and turns, to Southern State parkway, thence easterly along Southern State parkway, to Meadowbrook State parkway extension, thence northerly along Meadowbrook State parkway extension to North Jerusalem avenue, to Merrick avenue, thence northerly along Merrick avenue, to Bethpage turnpike (Hempstead turnpike-Conklin street), thence westerly along Bethpage turnpike, to Meadowbrook State parkway extension, to Stewart avenue, thence easterly on Stewart avenue, to Post avenue (Merrick avenue), thence northerly along Post avenue, to the north town line of Hempstead, thence westerly along said town line, to the place of beginning.

16. Sixteenth district. That part of the town of North Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where Manhasset bay intersects the north village line of Plandome Manor, thence southerly and easterly along said village line as it winds and turns to the west village line of Flower Hill, thence southerly along said village line as it winds and turns to the west village line of Roslyn Estates, thence southerly along the village line of Roslyn Estates to the north village line of North Hills, thence southerly, easterly and southerly along the village line of North Hills as it winds and turns to Searingtown road, thence southerly along Searingtown road and Manhasset avenue and Manhasset avenue extended to the north village line of Williston Park, thence southerly along said village line to the north village line of Mineola, thence westerly and southerly along the village line of Mineola to the south town line of North Hempstead, thence easterly along said town line to its intersection with Post avenue in the village of Westbury, thence northerly along Post avenue to Maple avenue, thence westerly along Maple avenue to St. Bridgets lane, north along St. Bridgets lane to Walnut street, west-

erly along Walnut street to Sylvan lane, north along Sylvan lane and Sylvan lane extended across the Northern State parkway to the north village line of Westbury, thence westerly along said village line to its intersection with the westerly line of the village of Old Westbury, then following said village line in a general northerly and easterly direction until its intersection with the dividing line between the townships of North Hempstead and Oyster Bay, thence running along said township line in a northwesterly direction to the waters of Hempstead harbor, northerly through said waters to the Long Island sound, westerly through the waters of Long Island sound to Manhasset bay, southerly through the waters of Manhasset bay to the point or place of beginning.

17. Seventeenth district. That part of the town of North Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the dividing line between the county of Queens and the county of Nassau intersects the south town line of the town of North Hempstead, thence northerly and westerly along said county dividing line and said county dividing line extended, to the waters of Little Neck bay, thence northerly, easterly and southerly through the waters of Little Neck bay and Manhasset bay to a point where the north village line and the west village line of Plandome Manor intersect, thence southerly and easterly along said village line, as it winds and turns to the west village line of Flower Hill, thence southerly, westerly, southerly, easterly, southerly along the village line of Flower Hill, as it winds and turns, to the west village line of Roslyn Estates, thence southerly along the village line of Roslyn Estates, to the north village line of North Hills, thence southerly, easterly and southerly along the village line of North Hills, as it winds and turns, to Searingtown road, thence southerly along Searingtown road and Manhasset avenue

and Manhasset avenue extended, to the north village line of Williston Park, thence southerly along the village line of Williston Park, to the north village line of Mineola, thence westerly and southerly along the village line of Mineola, to the south town line of the town of North Hempstead, thence westerly along said town line to the place of beginning.

18. Eighteenth district. That part of the town of Hempstead in the county of Nassau within and bounded by a line described as follows: Beginning at a point where the north village line of Valley Stream intersects the dividing line between the county of Nassau and the county of Queens, thence easterly along said village line to the village line of Malverne, thence northerly and easterly along the village line of Malverne, to Dogwood avenue, northerly to Nassau boulevard, to Fulton avenue (Hempstead turnpike), to Caroline avenue, to First place, to Yale road, to the village line of Garden City, thence westerly along said village line to the village line of Stewart Manor, thence northerly and westerly along the village line of Stewart Manor, to the village line of Floral Park, thence westerly and northerly to the dividing line between the town of Hempstead and the town of North Hempstead, thence westerly along said dividing line and the dividing line between the county of Nassau and the county of Queens, thence southerly along said county dividing line, to the place of beginning.

19. Nineteenth district. That part of the county of Nassau within and bounded by a line described as follows: Beginning at a point where the county line of Nassau and Queens intersects the northern line of the village of Valley Stream, thence easterly to the west village line of Malverne, thence northerly along said village line and southerly along said line to the village line of Lynbrook, thence southerly along said line and the village line of Rockville Centre to the Long Island railroad right-of-way, thence

easterly to the eastern line of the village of Rockville Centre, thence southwesterly along said line to Long Beach road, thence along Long Beach road to Oceanside Parkway (Weidner avenue) westerly to the Long Island railroad right-of-way, thence southerly to Hog Island channel, thence northerly along the waters of Hog Island channel to East Rockaway channel, thence northerly and westerly to Hewlett Bay, thence westerly to the village line of Hewlett Harbor, thence northerly and westerly along the village line of Hewlett Harbor to the village line of Hewlett Neck, thence southwesterly along said line to the village line of Woodsburgh, southwesterly, northerly and easterly along said line to northern village line of Hewlett Neck, thence northeasterly along said line to the western village line of Hewlett Bay Park, northerly and easterly along said line to village line of Hewlett Harbor, easterly to village line of East Rockaway, northerly to village line of Lynbrook, northerly and westerly to village line of Valley Stream, westerly along the village line of Valley Stream to the county line of Nassau and Queens, thence northerly to the point of beginning.

20. Twentieth district. That part of the counties of Nassau and Queens within and bounded by a line described as follows: Beginning at a point where the county line of Nassau and Queens intersects with the south village line of Valley Stream southerly and easterly to the village line of Lynbrook, thence along said village line to the village line of East Rockaway, thence to the village line of Hewlett Harbor, thence westerly along said line to the village line of Hewlett Bay Park, thence westerly and southerly along said village line to the village line of Hewlett Neck, thence along northern village line of Hewlett Neck to the village line of Woodsburgh, thence northerly, southerly, and easterly along said village line to the village line of Lawrence,

thence along said village line of Lawrence to Clayton avenue extended, southerly along said avenue to the south village line of Atlantic Beach, thence westerly to the Nassau county line, along said line to the point where the dividing line between Nassau county and Queens county is intersected by Quigley boulevard thence southwesterly to Rockaway boulevard, thence westerly along Rockaway boulevard, to Springfield boulevard, thence northerly along Springfield boulevard, to One Hundred Twenty-first avenue, thence easterly along One Hundred Twenty-first avenue to Francis Lewis boulevard, to One Hundred Twenty-first avenue (Francis Lewis boulevard) to the dividing line between Nassau county and Queens county, thence southerly along said dividing line to the place of beginning.

21. Twenty-first district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Quigley boulevard intersects the boundary line between the county of Queens and the county of Nassau thence southerly on Quigley boulevard, to Rockaway boulevard, to Springfield boulevard, to One Hundred Ninety-third street, to Nashville boulevard, to Montauk street, to Farmers boulevard, to Merrick boulevard, to Baisley boulevard, to New York boulevard, to One Hundred Twentieth avenue, to One Hundred Forty-third street, to Foch boulevard, to One Hundred Twenty-eighth street, to Rockaway boulevard, to the Van Wyck expressway, to Southern parkway to the Rockaway beach division Long Island railroad, to One Hundred Sixty-fifth avenue, thence westerly along One Hundred Sixty-fifth avenue extended, to the boundary line between the county of Queens and the county of Kings and along said boundary line to the waters of Jamaica bay, Rockaway inlet, the Atlantic ocean, to the boundary line between the county of Queens and the county of Nassau as it twists and turns to the place of beginning.

22. Twenty-second district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Two Hundred Twenty-third street intersects Francis Lewis boulevard, thence northerly along Two Hundred Twenty-third street, to One Hundred Eighteenth avenue, to Springfield boulevard, to Murdock avenue, to Two Hundred Twelfth street, to Ninety-ninth avenue, to Hollis avenue, to Jamaica avenue, to One Hundred Eighty-third street, to Liberty avenue, to Merrick boulevard, to One Hundred Eighth avenue, to New York boulevard, to Brinkerhoff avenue, to Sutphin boulevard, to One Hundred Eleventh avenue, to One Hundred Forty-fourth street, to Linden boulevard, to One Hundred Twenty-fourth street to Rockaway boulevard to One Hundred Twenty-eighth street, to Foch boulevard, to One Hundred Forty-third street, to One Hundred Twentieth avenue, to New York boulevard, to Baisley boulevard, to Merrick boulevard, to Farmers boulevard, to Montauk street, to Nashville avenue, to One Hundred Ninety-third street, to Springfield boulevard, to One Hundred Twenty-first avenue to the place of beginning.

23. Twenty-third district. That part of the county of Queens within and bounded by a line described as follows: Beginning at a point where Metropolitan avenue intersects the dividing line between the county of Queens and the county of Kings thence easterly along Metropolitan avenue to Sixtieth Lane, to Sixtieth road, to Fresh Pond road, to Mount Olive Crescent, to Sixty-third avenue, thence northeasterly along Sixty-third avenue and Juniper boulevard south, to Seventy-fifth street, to Penelope avenue, to Eighty-third place, to Furmanville avenue, to Dry Harbor road, to Metropolitan avenue, to Seventy-eighth street, to Sixty-eighth avenue, to Seventy-fourth street, to Seventy-first avenue, to Cooper avenue, to Nansen street, to Selfridge street, to Metropolitan avenue, to Sixty-ninth

avenue, to Burns street, to Seventy-first avenue, to Union Turnpike, to Myrtle avenue, to Sixty-fifth place, to Fresh Pond road, thence southerly along Fresh Pond road to the dividing line between the county of Queens and the county of Kings, thence northerly along said dividing line to the place of beginning.

24. Twenty-fourth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Van Wyck intersects Hillside avenue, thence northerly along Van Wyck to Hoover avenue, to One Hundred Thirty-fourth street, to Eighty-second avenue, to One Hundred Thirty-fifth street, to Union turnpike, to Van Wyck expressway extension, to the North Branch of Union turnpike, to Park Drive East,. to Jewel, to Van Wyck expressway, to (Long Island) Horace Harding expressway, to Ninety-ninth street, to Fiftieth avenue, to Junction boulevard, to the Northside division, Long Island railroad, to One Hundred Fourth street, to Forty-sixth avenue, to One Hundred Eleventh street to North Railroad avenue, to One Hundred Fourteenth street, to Roosevelt avenue, to Lawrence street, to Sanford avenue, to Kissena boulevard, to Forty-fifth avenue, to Union street, to Laburnum avenue, to One Hundred Forty-sixth street, to Peck avenue, to Byrd street, to Elder avenue, to Main street, to Peck avenue, to One Hundred Thirty-sixth street, to Fifty-eighth avenue, to One Hundred Thirty-eighth street, to Fifty-eighth road, to Main street, to North Hempstead turnpike, to One Hundred Sixty-fourth street, to Horace Harding (Long Island) expressway, to One Hundred Sixty-sixth street, to Sixty-seventh avenue, to One Hundred Sixty-fifth street, to Jewel avenue, to Parsons boulevard, to Grand Central parkway, to Smedley street, to Eighty-fourth drive, to One Hundred Forty-third street, to Hillside avenue, to the place of beginning.

Appendix B.

25. Twenty-fifth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where Atlantic avenue intersects the boundary line between the county of Queens and the county of Kings, thence northerly along said boundary to Cypress Hills street, to Myrtle avenue, thence easterly along Myrtle avenue, to Union turnpike, to Trotting course lane, thence southerly on Trotting course lane to a point where Trotting course lane extended intersects the Rockaway Beach division Long Island railroad, to Park lane south, to One Hundred Fourth street, to Atlantic avenue, to One Hundred Sixth street, to Rockaway boulevard, to Linden boulevard, to One Hundred Eighteenth street, to One Hundred Forty-ninth avenue, to Lefferts boulevard, to North Conduit avenue, to Southern State Parkway, thence westerly to the Rockaway Beach division Long Island railroad, to One Hundred Sixty-fifth avenue, thence westerly along said avenue extended to the boundary line of the county of Queens and the county of Kings, thence northerly along said boundary line as it twists and turns to the place of beginning.

26. Twenty-sixth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Twenty-fourth avenue extended through the waters of Little Neck bay intersects the boundary line between the county of Queens and the county of Nassau, thence westerly along Twenty-fourth avenue, to Bell boulevard, to Twenty-sixth avenue, to Two Hundred Eleventh street, to Thirty-second street, to Two Hundred Twelfth street, to Thirty-third road, to Two Hundred Eleventh street, to Thirty-fourth road, to Two Hundred Tenth street, to Thirty-fourth avenue, to Two Hundred Fifth street, to Thirty-third avenue, to the Clearview expressway, to Twenty-sixth avenue, to Two Hundred Third street, to Twenty-fourth avenue, to Utopia parkway,

to Twenty-fourth road, to Francis Lewis boulevard, to Twenty-fourth avenue, to One Hundred Sixtieth street, to Twenty-fifth avenue, to Murray street, to Bayside avenue, to One Hundred Forty-sixth street, to Thirty-second avenue, to One Hundred Forty-ninth street, to Thirty-third avenue, to One Hundred Forty-seventh place, to Thirty-fourth avenue, to One Hundred Forty-sixth street, to Thirty-fifth avenue, to One Hundred Forty-seventh street, to Northern boulevard, to Parsons boulevard, to Forty-fifth avenue, to Kissena boulevard, to Sanford avenue, to Lawrence street, to Roosevelt avenue, to One Hundred Fourteenth street, to Astoria boulevard, to Ditmars boulevard, to Thirty-first drive, thence along Thirty-first drive extended, through the waters of Flushing bay, to the East river and easterly through the East river, to the boundary line of the county of Queens and the county of Nassau, and southerly along said boundary line, to the place of beginning.

27. Twenty-seventh district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where the Horace Harding (Long Island) expressway intersects the dividing line between the county of Nassau and the county of Queens, to Cross Island parkway, to Northern boulevard, to Two Hundred Seventeenth street, to Fifty-first avenue, to Two Hundred Fifteenth street, to Forty-eighth avenue, to Two Hundred Eleventh street, to Forty-seventh avenue, to Two Hundred Eleventh street, to Northern boulevard, to Clearview expressway, to Forty-sixth road, to Francis Lewis boulevard, to Forty-seventh avenue, to One Hundred Ninety-fourth street, to Forty-eighth avenue, to One Hundred Eighty-seventh street, to Effington avenue, to Fresh Meadow lane, to Forty-sixth avenue, to Pidgeon Meadow road, thence southerly around Pidgeon Meadow road, to One Hundred Sixty-fourth street, to North Hempstead turnpike, to Main

street, to Fifty-eighth road, to One Hundred Thirty-eighth street, to Fifty-eighth avenue, to One Hundred Thirty-sixth street, to Elder avenue, to Peck avenue easterly to Main street, thence northerly to Elder avenue, to Byrd street, to Peck avenue, to One Hundred Forty-sixth street, to Laburnum avenue, to Union street, to Forty-fifth avenue, to Parsons boulevard, to Northern boulevard, to One Hundred Forty-seventh street, to Thirty-fifth avenue, to One Hundred Forty-sixth street, to Thirty-fourth avenue, to One Hundred Forty-seventh place, to Thirty-third avenue, to One Hundred Forty-ninth street, to Thirty-second avenue, to One Hundred Forty-sixth street, to Bayside avenue, to Murray street, to Twenty-fifth avenue, to One Hundred sixtieth street, to Twenty-fourth avenue, to Francis Lewis boulevard, to Twenty-fourth road, to Utopia parkway, to Twenty-fourth avenue, to Two Hundred Third street, to Twenty-sixth avenue, to Clearview expressway, to Thirty-third avenue, to Two Hundred Fifth street, to Thirty-fourth avenue, to Two Hundred Tenth street, to Thirty-fourth road, to Two Hundred Eleventh street, to Thirty-third road, to Two Hundred Twelfth street, to Thirty-second avenue, to Two Hundred Eleventh street, to Twenty-sixth avenue, to Bell boulevard, to Twenty-fourth avenue extended, to the waters of Little Neck bay, to a point where it intersects the boundary line between the county of Queens and the county of Nassau, thence southeasterly along said boundary, to the point of beginning.

28. Twenty-eighth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Hillside avenue and Hillside avenue extended intersects the dividing line between the county of Queens and the county of Nassau, thence westerly along Hillside avenue to Commonwealth boulevard, to Union turnpike, to Stronghurst avenue, to Two Hundred Twenty-

ninth street, to Hillside avenue, to Winchester boulevard, to Ninety-first road, to Springfield boulevard, to Ninety-first avenue, to Two Hundred Nineteenth street, to Hillside avenue, to Springfield boulevard, to Sawyer avenue, to Spencer avenue, to Two Hundred Fifteenth place, to Hillside avenue, to One Hundred Ninety-seventh street, to Dunton avenue, thence northerly and easterly to Epsom course, to Francis Lewis boulevard, to Grand Central parkway, to Utopia parkway, to Union turnpike, to Francis Lewis boulevard, to Horace Harding (Long Island) expressway, to Clearview expressway, to Northern boulevard, to Two Hundred Eleventh street, to Forty-Seventh avenue, thence westerly and southerly to Two Hundred Eleventh street, to Forty-eighth avenue, to Two Hundred Fifteenth street, to Fifty-first avenue, to Two Hundred Seventeenth street to Northern boulevard, to Cross Island parkway, to Horace Harding (Long Island) expressway, to the dividing line between the county of Nassau and the county of Queens, then southeasterly and southerly along said dividing line to the place of beginning.

29. Twenty-ninth district. That portion of Queens county beginning at a point where One Hundred Twenty-first avenue intersects the boundary line of the county of Queens and the county of Nassau, thence westerly along One Hundred Twenty-first avenue to Francis Lewis boulevard, thence westerly along Francis Lewis boulevard to Two Hundred Twenty-third street, to One Hundred Eighteenth avenue, to Springfield boulevard, to Murdock avenue, to Two Hundred Twelfth street, to Ninety-ninth avenue, to Hollis avenue, to One Hundred Eighty-third street, to Liberty avenue, to One Hundred Seventy-seventh street, to Jamaica avenue, to One Hundred Seventy-second street, to Hillside avenue, to Midland parkway, to Eighty-seventh drive (Wexford terrace), to Dalny road, to Highland avenue, to Kingston avenue, to Home Lawn street, to

Grand Central parkway, to Francis Lewis boulevard, to Epsom course, to Romeo court, thence southerly to Dunton avenue, thence westerly and southerly to One Hundred Ninety-seventh street, to Hillside avenue, to Two Hundred Fifteenth street, to Spencer avenue to Sawyer avenue, to Springfield boulevard to Hillside avenue, to Two Hundred Nineteenth street, to Ninety-first avenue, to Springfield boulevard, to Ninety-first road to Winchester boulevard, to Braddock avenue, to Billings street, to Eighty-eighth avenue, to Winchester boulevard, to Hillside avenue, to Two Hundred Twenty-ninth street, to Stronghurst avenue, to Union turnpike, to Commonwealth boulevard, to Hillside avenue, to a point where Hillside avenue intersects the boundary line between the county of Queens and the county of Nassau southerly to the place of beginning.

30. Thirtieth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Van Wyck expressway intersects Hillside avenue, thence westerly at Hillside avenue to One Hundred Twenty-third street, to Metropolitan avenue, to Lefferts boulevard, to Eighty-fourth avenue, to One Hundred Eighteenth street, to Curzon drive, to One Hundred Sixteenth street, to Metropolitan avenue, to Union turnpike, to Burns street, to Ascan avenue, to Burns street, to Sixty-Ninth avenue, to Metropolitan avenue, to Selfridge street, to Nansen street, to Woodhaven boulevard, to Cooper avenue, to Seventy-first avenue, to Seventy-fifth street, to Sixty-eighth avenue, to Seventy-eighth street, to Metropolitan avenue, to Dry Harbor road, to Furmanville road, to Woodhaven boulevard, to Sixty-third drive, to Austin street, to Sixty-fourth road, to Queens boulevard, to Sixty-third drive, to Ninety-eighth place, to Sixty-third road, to Ninety-ninth street, to Long Island expressway, to Van Wyck expressway, to Jewel avenue, to East Park drive, to the North Branch of Union turnpike, to Van Wyck

expressway, to South Branch of Union turnpike, to One Hundred Thirty-fifth street, to Eighty-second avenue, to One Hundred Thirty-fourth street, to Hoover avenue, to Van Wyck expressway, to the place of beginning.

31. Thirty-first district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Van Wyck expressway and the Van Wyck expressway extended intersects the North Conduit avenue Southern parkway, thence northerly to Rockaway boulevard, to One Hundred Twenty-fourth street, to Hawtree Creek road, to One Hundred Thirtieth street, to One Hundred Third avenue, to Liberty avenue, to Sutphin boulevard, to Eighty-ninth avenue, to One Hundred Fifty-third street, to Ninetieth avenue, to Parsons boulevard, to Normal road, to One Hundred Sixty-first street, to Grand Central parkway, to Smedley street, thence southwesterly around Eighty-fourth drive, thence southerly along One Hundred Forty-third street, to Hillside avenue, to One Hundred Twenty-third street, to Metropolitan avenue, to Lefferts boulevard, to Eighty-fourth avenue, to One Hundred Eighteenth street, to Curzon drive, to One Hundred Sixteenth street, to Metropolitan avenue, to Union turnpike, to Burns street, to Ascan avenue, to Burns street, to Seventy-first avenue, to Union turnpike, to Trotting Course lane, southerly to the Rockaway Beach division Long Island railroad, to Park lane South, to One Hundred Fourth street, to Atlantic avenue, to One Hundred Sixth street, to Rockaway boulevard, to Linden boulevard, to One Hundred Eighteenth street, to One Hundred Forty-ninth avenue, to Lefferts boulevard, to North Conduit avenue Southern parkway, to the point of beginning.

32. Thirty-second district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Sixty-first street intersects Fresh pond road, thence northerly to the Midtown highway, to Maurice

avenue, to Fifty-third avenue, to Sixty-second street, to Sixty fifth place, to Maurice avenue (Calmus avenue), thence proceeding easterly along Maurice-Calmus roadway, to Sixty-ninth street, to Woodside avenue, to Seventy-first street, to Brooklyn-Queens expressway, to Roosevelt avenue, to Ninety-fourth street, to Forty-third avenue, to Junction boulevard, to Fiftieth avenue, to Ninety-ninth street, to Sixty-third road, to Ninety-eighth place, to Sixty-third drive, to Queens boulevard, to Sixty-fourth road, to Austin street, to Sixty-third drive, to Woodhaven boulevard, to Furmanville road, to Eighty-third place, to Penelope avenue, to Seventy-fifth street, to Juniper boulevard, south to Mt. Olivet crescent, to Fifty-ninth drive to the place of beginning.

33. Thirty-third district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Thirty-fifth avenue and Thirty-fifth avenue extended intersects the waters of East channel, thence easterly along Thirty-fifth avenue extended and Thirty-fifth avenue, to Vernon boulevard, to Thirty-fourth avenue, to Tenth street, to Thirty-fifth avenue, to Twelfth street, to Thirty-sixth avenue, to Thirty-second street, to Thirty-fifth avenue, to Thirtieth street, to Broadway, to Twenty-third street, to Thirty-first avenue, to Thirtieth street, to Thirtieth avenue, to Thirty-third street, to Twenty-eighth avenue, to Thirty-first street, to Astoria boulevard south, to Brooklyn Queens expressway east, to Thirty-first avenue, to Eighty-third street, to Thirtieth avenue, to Ditmars boulevard, to Eighty-first street extended, to the waters of Bowery bay, thence northwesterly through the waters of Bowery bay, East river and East channel, to the place of beginning.

34. Thirty-fourth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Thirty-eighth avenue intersects

Crescent street, thence easterly along Thirty-eighth avenue to Northern boulevard, thence easterly on Northern boulevard to Forty-third street, to Barnett avenue, to Thirty-ninth avenue, to Woodside avenue, to Thirty-ninth avenue, to Roosevelt avenue, to Seventy-seventh street, to Thirty-fifth avenue, to Seventy-eighth street, to Thirty-first avenue, to Brooklyn Queens expressway, thence northeasterly along Brooklyn Queens expressway, to Astoria boulevard, to Thirty-first street, to Twenty-eighth avenue, to Thirty-third street, to Thirtieth street, to Thirty-first avenue, to Twenty-third street, to Broadway, to Thirtieth street, to Thirty-fifth avenue, to Thirty-second street, thence westerly along Thirty-sixth avenue to Twenty-eighth street, to Thirty-seventh avenue, to Crescent street, to the place of beginning.

35. Thirty-fifth district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where Thirty-first drive extends into the waters of Flushing bay, thence southwesterly along Thirty-first drive, to Astoria boulevard, easterly to One Hundred Fourteenth street, to Forty-fourth avenue, to One Hundred Eleventh street, to Forty-sixth avenue, to One Hundred Fourth street, to the North-side division of the Long Island railroad (Forty-fourth avenue), to Junction boulevard, to Forty-third avenue, to Ninety-fourth street, to Roosevelt avenue, to Seventy-seventh street, to Thirty-fifth avenue, to Seventy-eighth street, to Thirty-first avenue, to Eighty-third street, to Thirtieth avenue, to Eighty-eighth street, to Twenty-third avenue, thence westerly to Ditmars boulevard, to Eighty-first street extended through Bowery bay, the East river, and southward through Flushing bay to the point of beginning.

36. Thirty-sixth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where Thirty-fifth avenue and Thirty-fifth ave-

nue extended intersects the waters of the East river thence westerly along Thirty-fifth avenue extended and Thirty-fifth avenue to Vernon boulevard, to Thirty-fourth avenue, to Tenth street, to Thirty-fifth avenue, to Twelfth street, to Thirty-sixth avenue, to Twenty-eighth street, to Thirty-seventh avenue, to Crescent street, to Thirty-eighth avenue, to Northern boulevard, to Forty-third street, to Barnett avenue, to Thirty-ninth avenue, to Forty-eighth street, to Barnett avenue, to Fiftieth street, to Thirty-ninth avenue, to Woodside avenue, to Thirty-ninth avenue, to Roosevelt avenue, to Seventy-first street, to Woodside avenue, to Sixty-ninth street, to Calamus avenue, to Maurice avenue, to the Mid-town expressway, to Sixty-first street, to Fresh Pond road, to Sixtieth avenue, to Sixtieth lane, to Metropolitan avenue, thence westerly along Metropolitan avenue to the dividing line between the county of Queens and the county of Kings, thence northerly along said divding line to a point where said dividing line intersects the waters of the East river, thence northerly through the waters of the East river, to the place of beginning.

37. Thirty-seventh district. That portion of the county of Queens bounded by a line described as follows: Beginning at a point where One Hundred Twenty-fourth street intersects Linden boulevard, thence northward to Hawtree Creek road, to One Hundred Ninth avenue, to One Hundred Thirtieth street, to One Hundred Third avenue, to Liberty avenue, to Sutphin boulevard, to Eighty-ninth avenue, to One Hundred Fifty-third street, to Ninetieth avenue, to Parsons boulevard, to Normal road, to One Hundred Sixty-first street, to Grand Central parkway, to Parsons boulevard, to Jewel avenue, to One Hundred Sixty-fifth street, to Sixty-seventh avenue, to One Hundred Sixty-sixth street, to Horace Harding expressway (Long Island expressway), to One Hundred Sixty-fourth street, to Pidgeon Meadow road, to Forty-sixth avenue, to Auburn-

dale lane, to Fresh Meadow lane, to Effington avenue, to One Hundred Eighty-seventh street, to Forty-eighth avenue, to One Hundred Ninety-fourth street, to Forty-seventh avenue, to Francis Lewis boulevard, to Forty-sixth avenue, to the Clearview expressway, to Horace Harding expressway (Long Island expressway), to Francis Lewis boulevard, to Union turnpike, to Utopia parkway, to Homelawn street, to Kingston avenue, to Highland avenue, to Dalny road, southerly to Eighty-seventh drive (Wexford terrace), to Midland parkway, to Hillside avenue, to One Hundred Seventy-second street, to Jamaica avenue, thence easterly to One Hundred Seventy-seventh street, to Liberty avenue, to Merrick boulevard, to One Hundred Eighth avenue, to New York boulevard, to Brinkerhoff avenue, to Sutphin boulevard, to One Hundred Eleventh avenue, to One Hundred Forty-fourth street, to Linden boulevard, to the place of beginning.

38. Thirty-eighth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a place where Atlantic avenue intersects the Queens county line, along the county line in a southerly direction to Blake avenue, to Forbell street, to Sutter avenue, to Lincoln avenue, to Belmont avenue, to Fountain avenue, to Blake avenue, to Berriman street, to Dumont avenue, to Ashford street, to New Lots avenue, to intersection of Van Siclen avenue, New Lots avenue and Riverdale avenue, thence along Riverdale avenue to Vermont street, to Blake avenue, to Wyona street, to Belmont avenue, to Sheffield avenue, to Atlantic avenue, to Alabama avenue, to the intersection of Jamaica avenue and Broadway, thence along Broadway to Decatur street, to Central avenue, to Schaefer street, to Wilson avenue, to Covert street, to the point where the county line of the county of Kings and the county of Queens intersect Covert street, thence southerly, easterly and southerly along said county line to the point and place of beginning.

39. Thirty-ninth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Belmont avenue intersects Wyona street, along Wyona street to Blake avenue, to Vermont street, to Riverdale avenue, to Pennsylvania avenue, to New Lots avenue, to Williams avenue, to the point where Hegeman avenue and Linden boulevard meet, thence along Hegeman avenue (Linden boulevard) to Van Sinderen avenue, to Newport street, to Thatford avenue, to Livonia avenue, to Chester street, to Dumont avenue, to Hopkinson avenue, to East New York avenue (Jamaica avenue), to the intersection of Sterling place and East New York avenue, thence along Sterling place to the point where Sterling place, Eastern parkway and Saratoga avenue intersect, thence along Saratoga avenue to Chauncey street, to Rockaway avenue, to the intersection of Rockaway avenue and Bainbridge street, thence along Rockaway avenue to Broadway, thence along Broadway to the intersection of East New York avenue and Alabama avenue, thence along Alabama avenue to Atlantic avenue, to Sheffield street, to Belmont avenue, to the point and place of beginning.

40. Fortieth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at the point where Ralph avenue intersects Flatlands avenue, thence along Flatlands avenue to Avenue J, to Utica avenue, to Avenue H, to Schenectady avenue, to Glenwood road, to East Fifty-fourth street, to Foster avenue, to the intersection of Foster avenue and Kings highway, thence along Kings highway to the intersection of Kings highway and East Fifty-fourth street, thence along East Fifty-fourth street to Tilden avenue, to East Fifty-fifth street, to Remsen avenue, to the intersection of East New York avenue, Lefferts avenue, Empire boulevard and Utica avenue at Remsen avenue, thence along Utica avenue

to Eastern parkway, to Buffalo avenue, to East New York avenue, to Ralph avenue, to Sutter avenue, to Saratoga avenue, to Pitkin avenue, to Hopkinson avenue, to Dumont avenue, to Chester street, to Livonia avenue, to Thatford street, to Newport street, to Van Sinderen avenue, to Dewitt avenue, to the intersection of Dewitt avenue, Avenue D and Bank street, thence along Avenue D to Rockaway parkway, to Farragut road, to Ralph avenue, and to the place and point of beginning.

41. Forty-first district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Flatbush avenue extended intersects the waters of Rockaway inlet, thence along Flatbush avenue to Avenue U, to East Sixty-eighth street, to Island avenue, to Ralph avenue, to Farragut road, to Rockaway parkway, to Avenue D, to the intersection of Avenue D, Dewitt avenue and Bank street, thence along Dewitt avenue to Van Sinderen avenue, to Hegeman avenue (Linden boulevard), to Williams avenue, to New Lots avenue, to Pennsylvania avenue, to Riverdale avenue, along Riverdale avenue to the intersection of Riverdale avenue, New Lots avenue, and Van Siclen avenue, thence along New Lots avenue, to Ashford street, to Dumont avenue, to Berriman street, to Blake avenue, to Fountain avenue, to Belmont avenue, to Lincoln avenue, to Sutter avenue, to Forbell street, to Blake avenue, thence along Blake avenue to the county line of the counties of Kings and Queens, thence southerly and westerly along said county line through the waters of Jamaica Bay and Rockaway inlet to the point and place of beginning.

42. Forty-second district. That part of the county of Kings within and bounded by the line described as follows: Beginning at the point where the waters of Sheepshead bay intersect Bedford avenue to Circumferential parkway

(Shore parkway, Belt parkway), to East Twenty-third street, to Voorhies avenue, to East Twenty-fourth street, to Quentin road, to Nostrand avenue, to Kings highway, to the intersection of Kings highway and Avenue N, thence along Avenue N to Flatlands avenue, to East Forty-eighth street, to Avenue L, to Ralph avenue, to Island avenue, to East sixty-eighth street, to Avenue U, to Flatbush avenue, to the waters of Rockaway inlet, thence westerly through the waters of Rockaway inlet and northerly through the waters of Sheepshead bay to a point where Knapp street extended intersects the waters of Sheepshead bay, thence westerly through the waters of Sheepshead bay to the place and point of beginning.

43. Forty-third district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Avenue L meets East Thirteenth street, thence along East Thirteenth street to Avenue M, to Ocean avenue, to Avenue L, to East Twenty-second street, to Avenue M, to East Thirty-fourth street, around Fraser square in an easterly, southerly and easterly direction to the intersection of East Thirty-fifth street and Avenue M, thence along Avenue M to East Thirty-sixth street, to Flatlands avenue, to East Forty-eighth street, to Avenue L, to Ralph avenue, to Flatlands avenue, to the intersection of East Fifty-fourth street and Avenue J, thence along Avenue J to Utica avenue, to Avenue H, to Schenectady avenue, to Glenwood road, to East Fifty-fourth street, to Foster avenue, to Kings highway, north along Kings highway to the point where Foster avenue and Kings highway intersect, along Kings highway to East Fifty-fourth street, thence along East Fifty-fourth street to Tilden avenue, to East Fifty-first street, to Snyder avenue, to Utica avenue, to Tilden avenue, to East Forty-eighth street, to Clarendon road, to East Forty-sixth street, to Foster avenue, to East Thirty-seventh street, to Avenue

D, to New York avenue, to Beverly road, to Rogers avenue, to Foster avenue, to East Twenty-second street, to Glenwood road, to Ocean avenue, to Avenue I, to Coney Island avenue, to Avenue J, to East Twelfth street, to Avenue K, to East Thirteenth Street, to Avenue L, the place and point of beginning.

44. Forty-fourth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Nostrand avenue and Montgomery street intersect, thence along Montgomery street, to Troy avenue, to Eastern parkway, to Utica avenue, to a point where Empire boulevard, Lefferts avenue and Remsen avenue intersect, thence along Remsen avenue, to East Fifty-fifth street, to Tilden avenue, to East Fifty-first street, to Snyder avenue, to Utica avenue, to Tilden avenue, to East Forty-eighth street, to Clarendon road, to East Forty-sixth street, to Foster avenue, to East Thirty-seventh street, to Avenue D, to New York avenue, to Beverly road, to Rogers avenue, to Linden boulevard, to Nostrand avenue, to Lenox road, to Rogers avenue, to Lefferts avenue, to New York avenue, to Sterling street, to Nostrand avenue, to Montgomery street, the place and point of beginning.

45. Forty-fifth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Franklin avenue intersects Park place, along Park place to Rogers avenue, to Prospect place, to Albany avenue, to Park place, to Troy avenue, to Prospect place, to Utica avenue, to Eastern parkway, to Buffalo avenue, to East New York avenue, to Ralph avenue, to Sutter avenue, to Saratoga avenue, to Pitkin avenue, to Hopkinson avenue, to East New York avenue, to Sterling place, to the intersection of Sterling place, Eastern parkway and Saratoga avenue, thence along Saratoga avenue to Chauncey street, to Ralph avenue, to Bainbridge

street, to Reid avenue, to Chauncey street, to Fulton street, to Franklin avenue, and to the place and point of beginning.

46. Forty-sixth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Franklin avenue and Fulton street intersect, along Fulton street to Chauncey street, to Reid avenue, to Bainbridge street, to Ralph avenue, to Chauncey street, to Rockaway avenue, to Broadway, to Greene avenue, to Sumner avenue, to Van Buren street, to Tompkins avenue, to Lafayette avenue, to Marcy avenue, to Greene avenue, to Bedford avenue, to Gates avenue, to Franklin avenue, to the point and place of beginning.

47. Forty-seventh district. That part of the county of Kings within and bounded by a line described as follows: Beginning at the point where Covert street and Irving avenue intersect the county line between the counties of Kings and Queens, thence along Covert street to Wilson avenue, to Schaefer street, to Central avenue, to Decatur street, to Broadway, thence along Broadway to Melrose street, to Evergreen avenue, to Flushing avenue, to Bogart street, to Grattan street, to Knickerbocker avenue (Morgan avenue), to Harrison place, to Varick avenue, to Johnson avenue, thence along Johnson avenue to the county line of the counties of Kings and Queens, thence southerly along said line to the point and place of beginning.

48. Forty-eighth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at the point where Flushing avenue and Johnson avenue intersect at a point on the county line between the counties of Kings and Queens, thence along Johnson avenue to Varick avenue, to Harrison place, to Morgan avenue (Knickerbocker avenue), to Grattan street, to Bogart street, to McKibbin street, to Bushwick avenue, to

Boerum street, to Humboldt street, to Johnson avenue, to Leonard street, to Montrose avenue, to Broadway, to Bedford avenue, to North Eighth street, to Berry street, to the intersection of North Fourteenth street and Nassau avenue and Berry street, thence along Nassau avenue to the intersection of Nassau avenue and North Fifteenth street and Banker street, thence along Banker street to the intersection of Banker street, Franklin street and Calyer street, thence along Franklin street to Noble street, to Manhattan avenue, to Calyer street, to Moultrie street, to Greenpoint avenue and Greenpoint avenue extended, to the county line of Kings county and Queens county, thence southerly along said county line to the place of beginning.

49. Forty-ninth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Greenpoint avenue and Greenpoint avenue extended intersect the county line of counties of Kings and Queens, thence along Greenpoint avenue to Moultrie street, to Calyer street, to Manhattan avenue, to Noble street, to Franklin street, to the intersection of Franklin street, Calyer street, and Banker street, thence along Banker street to the intersection of Banker street, North Fifteenth street, and Nassau avenue, thence along Nassau avenue to the intersection of Nassau avenue, North Fourteenth street and Berry street, thence along Berry street to North Eighth street, to Bedford avenue, to Broadway, to Hewes street, to Harrison avenue, to Heyward street, to Marcy avenue, to Park avenue, to Spencer street, to Myrtle avenue, to Bedford avenue, to DeKalb avenue, to Taaffe place, to Myrtle avenue, to North Portland avenue, to Auburn place, to St. Edwards street, to Myrtle avenue, to the intersection of Myrtle avenue, Flatbush avenue, and Gold street, thence along Gold street to Willoughby street, to Bridge street, to Tillary street, to Jay street, to Sands street, to Pearl street, to Prospect street,

to the intersection of Fulton street, and Prospect street, thence along Fulton street and Fulton street extended, to the waters of the East river, thence northerly and easterly through the waters of the East river and Newtown creek to the place of beginning.

50. Fiftieth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Broadway intersects Melrose street, thence southerly along Broadway to Greene avenue, to Sumner avenue, to Van Buren street, to Tompkins avenue, to Lafayette avenue, to Marcy avenue, to Greene avenue, to Bedford avenue, to Myrtle avenue, to Spencer street, to Park avenue, to Marcy avenue, to the intersection of Marcy avenue, Flushing avenue, and Gerry street, thence along Marcy avenue to Heyward street, to Harrison avenue to Hewes street, to the intersection of Hewes street, Broadway and Division avenue, thence along Broadway to Montrose avenue, to Leonard street, to Johnson avenue, to Humboldt street, to Boerum street, to Bushwick avenue, to McKibbin street, to Bogart street, to Flushing avenue, to Evergreen avenue, to Melrose street, to Broadway, to the place of beginning.

51. Fifty-first district. The part of the county of Kings within and bounded by a line described as follows: Beginning at Rockwell place and DeKalb avenue, thence southerly along Rockwell place to Fulton street, to Ashland place, to Lafayette avenue, to St. Felix street, to Hanson place, to Fort Greene place, to Atlantic avenue, to Sixth avenue, to Flatbush avenue, to and around Grand Army plaza in a southerly and easterly direction along Plaza street to Flatbush avenue, to a point where Ocean avenue intersects Empire boulevard, thence along Empire boulevard to Franklin avenue, to President street, to Bedford avenue, to Sterling place, to Franklin avenue, to Gates

avenue, to Bedford avenue, to DeKalb avenue, to Taaffe place, to Myrtle avenue, to North Portland avenue, to Auburn place, to St. Edwards street, to Myrtle avenue, to the intersection of Myrtle avenue, Flatbush avenue, and Gold street, thence along Gold street to Willoughby street, to Duffield street, to Fulton street, to DeKalb avenue, to Rockwell place, the place of beginning.

52. Fifty-second district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Utica avenue intersects Eastern parkway, thence westerly along Eastern parkway to Troy Avenue, to Montgomery street, to Nostrand avenue, to Sterling street, to New York avenue, to Lefferts avenue, to Rogers avenue, to Lenox road, to Nostrand avenue, to Linden boulevard, to Rogers avenue, to Foster avenue, to Ocean avenue, to Albermarle road, to Bedford avenue, to Caton avenue, to Ocean avenue, to the intersection of Ocean avenue, Flatbush avenue and Empire boulevard, thence along Empire boulevard to Franklin avenue, to President street, to Bedford avenue, to Sterling place, to Franklin avenue, to Park place, to Rogers avenue, to Prospect place, to Albany avenue, to Park place, to Troy avenue, to Prospect place, to Utica avenue, to Eastern parkway, the place of beginning.

53. Fifty-third district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Greenwood avenue meets McDonald avenue (Gravesend), easterly along Greenwood avenue to Prospect Park southwest, to Park Circle, to Parkside avenue, to Ocean avenue, to Caton avenue, to Bedford avenue, to Albermarle road, to Ocean avenue, to Foster avenue, to East Twenty-second street, to Glenwood road, to Ocean avenue, to Avenue I, to Coney Island avenue, to Avenue J, to East Twelfth street, to Avenue K, to

East Thirteenth street, to Avenue L, to Coney Island avenue, to Avenue K, to East Ninth street, to Avenue I, to McDonald avenue, to Foster avenue, to East Third street across Eighteenth avenue, to East Second street, to Church avenue, to Dahill road, to intersection of Dahill road and Fort Hamilton parkway, to McDonald avenue (Gravesend) to the place of beginning.

54. Fifty-fourth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Avenue Y meets East Second street, thence along East Second street to Avenue U, to Ocean parkway, to Avenue L, to East Ninth street, to Avenue K, to Coney Island avenue, to Avenue L, to East Thirteenth street, to Avenue M, to Ocean avenue, to Avenue L, to East Twenty-second street, to Avenue M, to East Thirty-fourth street, around Fraser square in an easterly, southerly and easterly direction to the intersection of East Thirty-fifth street and Avenue M, thence along Avenue M, to East Thirty-sixth street, to Flatlands avenue, to the intersection of Flatlands avenue (Avenue N), East Thirty-fourth street and East Thirty-fifth street, thence along Flatlands avenue (Avenue N) to the intersection of Avenue N (Flatlands avenue), Kings highway, East Thirty-second street and East Thirty-third street, thence along Kings highway to Nostrand avenue, to Quentin road, to East Twenty-fourth street, to Avenue X, to Ocean avenue, to Avenue Y, to East Second street, to the point and place of beginning.

55. Fifty-fifth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Bay Forty-fourth street extended intersects the waters of Gravesend bay, thence along Bay Forty-fourth street to Circumferential parkway (Belt parkway, Shore parkway), to Bay Forty-seventh street, to

Cropsey avenue, to Bay Forty-eighth street, to Circumferential parkway (Shore parkway, Belt parkway), thence easterly along said parkway to Shell road, to Cobek court, to West Third street, to Avenue Z, to West Second street, to Avenue Y, to Ocean avenue, to Avenue X, to East Twenty-fourth street, to Voorhies avenue, to East Twenty-third street, to Circumferential parkway (Shore parkway, Belt parkway), to Bedford avenue and Bedford avenue extended to the waters of Sheepshead bay, thence easterly through the waters of Sheepshead bay to a point where Knapp street extended intersects the waters of Sheepshead bay, thence southerly to Rockaway inlet and thence westerly and northerly through the waters of Rockaway inlet to Gravesend bay and to the place and point of beginning.

56. Fifty-sixth district. That part of the county of Kings within and bounded by the line described as follows: Beginning at a point where Bay Forty-fourth street and Bay Forty-fourth extended intersects the waters of Gravesend bay to Circumferential parkway (Belt parkway, Shore parkway), to Bay Forty-seventh street, to Cropsey avenue, to Bay Forty-eighth street, to Circumferential parkway, along Circumferential parkway to the intersection of Shell road, Circumferential parkway and West Sixth street, thence along Shell road to Cobek court, to West Third street, to Avenue Z, to West Second street, to Avenue Y, to East Second street, to Avenue U, to Ocean parkway, to Kings highway, to West Second street, to Quentin road, to West Third street, to Highlawn avenue, to West Twelfth street, to Kings highway, to Bay parkway, to Eighty-second street, to Eighteenth avenue, to Eighty-sixth street, to Bay Fourteenth street, to Bath avenue, to Sixteenth avenue, to Cropsey avenue to Bay Eighth street and Bay Eighth street extended to the waters of Gravesend bay and thence southerly through the waters of Gravesend bay to the point and place of beginning.

Appendix B.

57. Fifty-seventh district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a place where Kings highway intersects Ocean parkway, continue northerly along Ocean parkway to Avenue L, to East Ninth street, to Avenue I, to MacDonald avenue, to Forty-seventh street, to Nineteenth avenue, to Fifty-fifth street, to Sixteenth avenue, to Seventy-first street, to Eighteenth avenue, to Bay Ridge parkway, to Seventeenth avenue, to Seventy-seventh street, to Eighteenth avenue, to Eighty-second street, to Bay parkway, to Kings highway, to West Twelfth street, to Highlawn avenue, to West Third street, to Quentin road, to West Second street, to Kings highway, to the place of beginning.

58. Fifty-eighth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Eighth avenue intersects Thirty-seventh street at the boundary of Greenwood cemetery, thence along Thirty-seventh street to Fort Hamilton parkway, to Dahill road, to Church avenue, to East Second street, across Eighteenth avenue to East Third street, to Foster avenue, to Forty-seventh street, to Nineteenth avenue, to Fifty-fifth street, to Sixteenth avenue, to Sixty-seventh street, to Duryea court, to Sixty-sixth street, to Fourteenth avenue, to Sixty-third street, to Twelfth avenue, to Fifty-ninth street, to Fort Hamilton parkway, to Fifty-first street, to Eighth avenue, to Thirty-seventh street, the place of beginning.

59. Fifty-ninth district. That part of the county of Kings within and bounded by the line described as follows: Beginning at point where Bay Eighth street and Bay Eighth street extended intersects the waters of Gravesend bay, thence along Bay Eighth stre[illegible] to Cropsey avenue, to Sixteenth avenue, to Bath avenue, to Bay Fourteenth street, to Eighty-sixth street, to Eighteenth avenue, to Seventy-seventh street, to Seventeenth avenue, to Bay Ridge park-

way, to Eighteenth avenue, to Seventy-first street, to Sixteenth avenue, to Sixty-seventh street, to Duryea court, to Sixty-sixth street, to Fourteenth avenue, to Sixty-third street, to Twelfth avenue, to Fifty-ninth street, to Eighth avenue, to Seventy-second street, to Twelfth avenue, to Seventy-third street, to Thirteenth avenue, to Eightieth street, to Twelfth avenue, to Eighty-first street, to Tenth avenue, to Eighty-second street, to Seventh avenue, to Eighty-eighth street, to Ridge boulevard, to Bay Ridge parkway, to Narrows avenue, to Seventy-fourth street, to Shore road, to Bay Ridge parkway extended to the waters of the Narrows, thence southerly and easterly through the waters of the Narrows and Gravesend bay to the place of beginning.

60. Sixtieth district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Bay Ridge parkway extended intersects the waters of the Narrows, thence along Bay Ridge parkway to Shore road, to Seventy-fourth street, to Narrows avenue, to Bay Ridge parkway, to Ridge boulevard, to Eighty-eighth street, to Seventh avenue, to Eighty-second street, to Tenth avenue, to Eighty-first street, to Twelfth avenue, to Eightieth street, to Thirteenth avenue, to Seventy-third street, to Twelfth avenue, to Seventy-second street, to Eighth avenue, to Fifty-ninth street, to Fort Hamilton parkway, to Fifty-first street, to Seventh avenue, to Fifty-second street, to Fifth avenue, to Forty-ninth street, to Fourth avenue, to Sixty-seventh street, to Third avenue (Gowanus parkway), to Wakeman place, and Wakeman place extended to the waters of the Narrows, thence southerly through the water of the Narrows to the place of beginning.

61. Sixty-first district. That part of the county of Kings within and bounded by a line described as follows: beginning at a point where Joralemon street and Joralemon

street extended intersect the waters of the East river, thence along Joralemon street to Columbia place, to State street, to Hicks street, to Atlantic avenue, to Bond street, to State street, to Third avenue, to Pacific street, to Fourth avenue, to St. Mark's place, to Fifth avenue, to Park place, to Sixth avenue, to Lincoln place, to Seventh avenue, to Fifth street, to Fifth avenue, to Ninth street, to Seventh avenue, to Twentieth street, to Sixth avenue, to Twenty-third street, to Fifth avenue, to Fifty-second street, to Seventh avenue, to Fifty-first street, to Eighth avenue, to Thirty-seventh street, to Fort Hamilton parkway (boundary of Greenwood cemetery), to McDonald avenue, to Greenwood avenue, to Prospect park south west, to Park circle, to Parkside avenue, to Ocean avenue, to Flatbush avenue, to and around Grand Army plaza in a westerly and northerly direction along Plaza street to Flatbush avenue, to Sixth avenue, to Atlantic avenue, to Fort Greene place, to Hanson place, to St. Felix street, to Lafayette avenue, to Ashland place, to Fulton street, to Rockwell place, to DeKalb avenue, to Fulton street, to Duffield street, to Willoughby street, to Bridge street, to Tillary street, to Jay street, to Sands street, to Pearl street, to Prospect street, to Fulton street and Fulton street extended into the waters of the East river and through the waters of the East river and Buttermilk channel in a southerly direction to the place and point of beginning.

62. Sixty-second district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Atlantic avenue and Clinton street intersect, thence along Clinton street to Summit street, to Henry street, to Gowanus parkway, to Prospect expressway, to Seventh avenue, to Ninth street, to Fifth avenue, to Fifth street, to Seventh avenue, to Lincoln place, to Sixth avenue, to Park place, to Fifth avenue, to St. Mark's place, to Fourth avenue, to Pacific street, to

Third avenue, to State street, to Bond street, to Atlantic avenue, to Clinton street, to the point and place of beginning.

63. Sixty-third district. That part of the county of Kings within and bounded by a line described as follows: Beginning at a point where Wakeman place extended intersects the waters of the Narrows, thence along Wakeman place to Gowanus parkway, to Sixty-seventh street, to Fourth avenue, to Forty-ninth street, to Fifth avenue, to Twenty-third street, to Sixth avenue, to Twentieth street, to Seventh avenue, to Prospect expressway, to Gowanus parkway, to Henry street, to Summit street, to Clinton street, to Atlantic avenue, to Hicks street, to State street, to Columbia street, to Joralemon street and Joralemon street extended into the waters of Buttermilk channel, thence southerly and westerly through the waters of Buttermilk channel and Gowanus bay to the point and place of beginning; together with that part of the county of Richmond within and bounded by a line described as follows: Beginning at a point where Jersey street and Jersey street extended intersects the waters of Kill van Kull, thence southerly along Jersey street extended and Jersey street to Victory boulevard, thence northerly along Victory boulevard to St. Pauls avenue, thence southerly along St. Pauls avenue to Beach street, to Van Duzer street, to Wright street, thence southeasterly and southwesterly to Canal street, to Gordon street, to Warren street, to Laurel avenue, to Coursen court, to Coursen place, southerly on Pleasant place to Vanderbilt avenue, to Osgood avenue and Osgood avenue extended, to Fox Hill terrace, to Highland boulevard, and thence northeasterly on Highland boulevard and Highland boulevard extended to the waters of the Narrows, thence northerly and westerly through the waters of the Narrows and Kill van Kull to the place of beginning.

Appendix B.

64. Sixty-fourth district. In the county of Richmond, beginning at a point where Drumgoole boulevard and Drumgoole boulevard extended intersects the Arthur kill, thence easterly along Drumgoole boulevard and Drumgoole boulevard extended to Vernon avenue, to Amboy road, to Albee avenue, thence northerly to the Staten Island railroad, thence westerly to Delmar avenue, to Edgegrove avenue, to Nippon avenue, to Woodrow road, to Carleton boulevard, thence southeasterly along Carleton boulevard to Arden avenue, to Amboy road, thence easterly along Amboy road, to Giffords lane and along Giffords lane extended through Latourette park to Forest Hill road at the intersection of Mica avenue, thence northeasterly along Forest Hill road to Dorothy street to Fields avenue, to Rupert avenue, to Brielle avenue, to Suffolk avenue, to Westwood avenue, to Quinlan avenue, to Victory boulevard, to Highland avenue, to Rugby avenue, to Ridge court, to Highland avenue, to Howard avenue, to Louis street, to Sunrise terrace, to Marion avenue, to Occident avenue, to Ward avenue, to Austin place, to Victo boulevard, to Van Duzer street, to St. Pauls avenue, to Beach street, to Van Duzer street, to Wright street, to Canal street, to Broad street, to Gordon street, to Warren street, to Laurel avenue, to Coursen court, to Coursen place, to Pleasant place, to Vanderbilt avenue, to Osgood avenue, thence southerly along Osgood avenue and White Plains avenue and Fox Hill terrace to Hylan boulevard, thence easterly along Hylan boulevard and Hylan boulevard extended to the waters of the Narrows, thence southerly and westerly through the waters of the Narrows and Raritan bay, to the waters of the Arthur kill, thence northerly through the waters of the Arthur kill to the place of beginning, including Hoffman island and Swinburne island.

65. Sixty-fifth district. In the county of Richmond, beginning at a point where Drumgoole boulevard and

Drumgoole boulevard extended intersects the Arthur kill, thence easterly along Drumgoole boulevard and Drumgoole boulevard extended to Vernon avenue, to Amboy road, to Albee avenue, thence northerly to the Stafen Island railroad, thence westerly to Delmar avenue, to Edgegrove avenue, to Nippon avenue, to Woodrow road, to Carleton boulevard, thence southeasterly on Carleton boulevard, to Arden avenue, to Amboy road, thence easterly along Amboy road to Giffords lane and along Giffords lane extended, through Latourette park to Forest Hill road at the intersection of Mica avenue, thence northeasterly along Forest Hill road to Dorothy street, to Fields avenue, to Rupert avenue, to Brielle avenue, to Suffolk avenue, to Westwood avenue, to Quinlan avenue, to Victory boulevard, to Highland avenue, to Rugby avenue, to Ridge avenue, to Highland avenue, to Howard avenue, to Louis street, to Sunrise terrace, to Marion avenue, to Occident avenue, to Ward avenue, to Austin place, to Victory boulevard, to Jersey street, thence northerly along Jersey street and Jersey street extended, to the waters of Kill van Kull, thence westerly and southerly along the boundary separating New York and New Jersey through the waters of Kill van Kull and Arthur kill to the place of beginning, including the portion of Shooter's island lying in the state of New York and Prall's island.

66. Sixty-sixth district. In the county of New York, beginning at a point where Delancey street as extended intersects the East river, thence westerly along Delancey street to Columbia street, to East Houston street, to Essex street, to Stanton street, to Chrystie street to East Houston street, to Bowery, to Spring street, to Lafayette street, to East Houston street to West Houston street to West Broadway to Spring street, to the Avenue of the Americas, to West Houston street, to the Hudson river and southerly, easterly and northerly through the waters of the Hudson

river, New York bay, Buttermilk channel and the East river to the place of beginning including Governor's, Bedloe's and Ellis islands.

67. Sixty-seventh district. In the county of New York, beginning at a point where Fourteenth street as extended intersects the East river, thence westerly on Fourteenth street, to Fourth avenue, to the Bowery, to East Houston street, to Chrystie street, to Stanton street, to Essex street, to East Houston street, to Columbia street, to Delancey street and thence easterly on to Delancey street and Delancey street extended to the waters of the East river and thence north-westerly through the waters of the East river to the place of beginning.

68. Sixty-eighth district. In the county of New York, beginning at a point where West Seventy-fourth street and the Hudson river meet, to West End avenue, to West Seventy-fifth street, to Amsterdam avenue, to West Sixty-sixth street, to Columbus avenue and Ninth avenue, to West Forty-eighth street, to Eighth avenue, to West Fourteenth street, to Greenwich avenue, to Seventh avenue, south to West Houston street, to the waters of the Hudson river, northwardly through the waters of the Hudson river to the place of beginning.

69. Sixty-ninth district. In the county of New York, beginning at a point where Central Park West and West Seventieth street intersect, to Columbus avenue and Ninth avenue, to West Forty-eighth street, to Eighth avenue, to West fourteenth street, to Greenwich avenue, to Seventh avenue, thence southerly to West Houston street, to the Avenue of the Americas, to Spring street, to West Broadway, to West Houston street, to Lafayette street, to Spring street, to the Bowery, to Fourth avenue, to East Seventeenth street, to Broadway, to Fifth avenue, to West Fifty-second street, to the Avenue of the Americas, to West

Fifty-fourth street, to Seventh avenue, to Central Park South, to Central Park West, to the place of beginning.

70. Seventieth district. In the county of New York, beginning at a point where East Forty-second street as extended intersects the East river, thence westerly along East Forty-second street to First avenue, to East Forty-fifth street, to Third avenue, to East Fifty-fifth street, to Lexington avenue, to East Fifty-fourth street, to Fifth avenue, to Broadway, to East Seventeenth street, to Fourth avenue, to East Fourteenth street, thence eastwardly along East Fourteenth street as extended to the waters of the East river, thence northwardly through said waters to the place of beginning.

71. Seventh*-first district. In the county of New York, beginning at a point where East End avenue as extended meets the waters of the East river, thence southerly on East End avenue to East Eighty-fourth street, to York avenue, to East Eighty-fifth street, to First avenue, to East Eighty-sixth street, to Second avenue, to East Seventy-eighth street, to Third avenue, to East Forty-fifth street, to First avenue, to East Forty-second street as extended to the waters of the East river, thence northerly through said waters to the place of beginning, including Welfare Island.

72. Seventy-second district. In the county of New York, beginning at a point where Third avenue and East Ninety-fourth street intersect, thence along East Ninety-fourth street to Lexington avenue, to East Ninety-sixth street, to Park avenue, to East Ninety-eighth street, to Madison avenue, to East One Hundred First street, to Fifth avenue, to West One Hundred Tenth street, to Central Park West, to Central Park South, to Seventh avenue, to West Fifty-

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* So in original. [Evidently should read "Seventy".]

fourth street, to Avenue of the Americas, to West Fifty-second street, to Fifth avenue, to East Fifty-fourth street, to Lexington avenue, to East Fifty-fifth street, to Third avenue, to East Seventy-eighth street, to Second avenue, to East Eighty-sixth street, to First avenue, to East Ninety-fourth street westerly, to place of beginning.

73. Seventy-third district. In the county of New York, beginning at a point where Central Park West and West Ninetieth street intersect, thence westerly on West Ninetieth street, to Amsterdam avenue, to West Eighty-ninth street, to Broadway, to West Ninetieth street as extended, to the waters of the Hudson river, thence through said waters to West Seventy-fourth street extended, thence easterly along West Seventy-fourth street, to West End avenue, to West Seventy-fifth street, to Amsterdam avenue, to West Sixty-sixth street, to Columbus avenue, to West Seventieth street, to Central Park West, to the place of beginning.

74. Seventy-fourth district. In the county of New York, beginning at a point where Central Park West and One Hundred Eighth street intersect, thence westerly along One Hundred Eighth street, to Amsterdam avenue, to West One Hundred Ninth street and West One Hundred Ninth street extended, to the waters of the Hudson river, thence southerly through said waters, to West Ninetieth street, to Broadway, to West Eighty-ninth street, to Amsterdam avenue, to West Ninetieth street, to Central Park West, to the place of beginning.

75. Seventy-fifth district. In the county of New York, beginning at a point where Third avenue and East One Hundred Eighteenth street intersect, thence westerly along East One Hundred Eighteenth street to Lenox avenue, to West One Hundred Seventeenth street, to Seventh avenue, to West One Hundred Eighteenth street to Eighth avenue,

to West One Hundred Tenth street (Cathedral parkway), to Fifth avenue, to East One Hundred First street, to Madison avenue, to East Ninety-eighth street, to Park avenue, to East Ninety-sixth street, to Lexington avenue, to East Ninety-fourth street, to Third avenue, to the place of beginning.

76. Seventy-sixth district. In the county of New York, beginning at a point where Park avenue extended intersects the waters of the Harlem river, thence southerly along Park avenue, to East One Hundred Twenty-first street, to Third avenue, to East Ninety-fourth street, to First avenue, to East Eighty-fifth street, to York avenue, to East Eighty-fourth street, to East End avenue and East End avenue extended to the waters of the East river, thence easterly, northerly and westerly through the waters of the East river, Hell gate, and Bronx kills and the Harlem river, including Ward's, Mill Rock and Randall's islands, to the place of beginning.

77. Seventy-seventh district. In the county of New York, beginning at a point where East One Hundred Thirty-second street intersects Park avenue, thence southerly along Park avenue, to East One Hundred Twenty-first street, to Third avenue, to East One Hundred Eighteenth street, and West One Hundred Eighteenth street, to Lenox avenue, to West One Hundred Seventeenth street, to Seventh avenue, to West One Hundred Eighteenth street, to Eighth avenue, to Cathedral parkway, to Manhattan avenue, to Morningside avenue, to Convent avenue, to West One Hundred Thirty-fifth street, east to St. Nicholas avenue, to West One Hundred Thirty-fourth street, to Eighth avenue, to West One Hundred Thirty-second street, to Lenox avenue, to West One Hundred Thirty-first street, to Fifth avenue, to East One Hundred Thirty-second street, to the place of beginning.

78. Seventy-eighth district. In the county of New York, beginning at a point where Convent avenue intersects West One Hundred Fiftieth street, thence southerly along Convent avenue and Morningside avenue, to Manhattan avenue, to Cathedral parkway, to Eighth avenue, to West One Hundred Eighth street, to Amsterdam avenue, to West One Hundred Ninth street and West One Hundred Ninth street extended to the waters of the Hudson river, thence northerly through said waters to West One Hundred Fiftieth street extended and easterly along West One Hundred Fiftieth street extended and West One Hundred Fiftieth street, to Convent avenue, to the place of beginning.

79. Seventy-ninth district. In the county of New York, beginning at a point where Convent avenue intersects West One Hundred Fiftieth street, thence southerly along Convent avenue to West One Hundred Thirty-fifth street, to St. Nicholas avenue, to West One Hundred Thirty-fourth street, to Eighth avenue, to West One Hundred Thirty-second street, to Lenox avenue, to West One Hundred Thirty-first street, to Fifth avenue, to West One Hundred Thirty-second street, to Park avenue, thence northerly along Park avenue and Park avenue extended to the waters of the Harlem river, and thence northwesterly through said waters to West One Hundred Fiftieth street extended, thence westerly along One Hundred Fiftieth street and One Hundred Fiftieth street extended to the point of beginning.

80. Eightieth district. In the county of New York, beginning at a point where Dyckman street extended meets the waters of the Harlem river, thence northwesterly along Dyckman street to St. Nicholas avenue, thence southerly along St. Nicholas avenue to West One Hundred Seventy-seventh street, to Haven avenue, to the George Washington bridge approach, thence westerly to the Hudson river and southerly through the waters of the Hudson river to West One Hundred Fiftieth street extended, thence easterly on

One Hundred Fiftieth street, to One Hundred Fiftieth street extended, to Harlem River drive, thence easterly to the waters of the Harlem river, and northerly to the place of beginning.

81. Eighty-first district. In the county of New York, beginning at a point where Dyckman street extended meets the waters of the Harlem river, thence northerly along Dyckman street to St. Nicholas avenue, to West One Hundred Seventy-seventh street, to Haven avenue, to the George Washington bridge approach, thence westerly to the Hudson river and northerly and easterly through the waters of the Hudson river to the dividing line between the counties of New York and Bronx, thence northerly, easterly and southerly along said dividing line and the waters of the Harlem river to the point of beginning.

82. Eighty-second district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Willis avenue and Willis avenue extended intersects the waters of the Harlem river thence northwardly along Willis avenue extended and Willis avenue to Third avenue, to East One Hundred Sixty-fifth street, to Webster avenue, to East One Hundred Sixty-sixth street, to Sheridan avenue, to East One Hundred Sixty-second street, to Grand boulevard and Concourse, to McClellan street, to River avenue, to East One Hundred Sixty-seventh street, to Jerome avenue, to Shakespeare avenue, to West One Hundred Sixty-eighth street, to West One Hundred Sixty-seventh street, to University avenue, to West One Hundred Sixty-fifth street, thence westwardly along West One Hundred Sixty-fifth street and West One Hundred Sixty-fifth street extended to the waters of the Harlem river thence southwardly through the waters of the Harlem river to the place of beginning.

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83. Eighty-third district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Willis avenue and Willis avenue extended intersects the waters of the Harlem river, thence northerly along Willis avenue extended and Willis avenue, to Third avenue, to East One Hundred Fifty-ninth street, to Brook avenue, to East One Hundred Fifty-eighth street, to St. Ann's avenue, to East One Hundred Fifty-ninth street, to Eagle avenue, to East One Hundred Fifty-eighth street, to Westchester avenue, to Prospect avenue, thence southerly along Prospect avenue to East One Hundred Forty-ninth street, thence southerly along East One Hundred Forty-ninth street and East One Hundred Forty-ninth street extended southerly to the East river, thence southwesterly and westerly through the waters of the East river to the Harlem river canal, thence westerly through the waters of the Harlem river canal and the Harlem river to the place of beginning.

84. Eighty-fourth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where West One Hundred Sixty-fifth street extended and West One Hundred Sixty-fifth street intersects the waters of the Harlem river thence eastwardly along West One Hundred Sixty-fifth street extended, and West One Hundred Sixty-fifth street, to University avenue, to West One Hundred Sixty-seventh street, to West One Hundred Sixty-eighth street, to Shakespeare avenue, to Jerome avenue, to East One Hundred Sixty-seventh street, to River avenue, to McClellan street, to Grand Concourse, to East One Hundred Eighty-first street, thence westwardly along East One Hundred Eighty-first street and West One Hundred Eighty-first street, to Grand avenue, to West One Hundred Seventy-ninth street, to Burnside avenue, to University avenue, to West Tremont avenue, and West Tremont avenue extended to the waters of the

Harlem river thence southwardly to the waters of the Harlem river to the place of beginning.

85. Eighty-fifth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where East One Hundred Sixty-second street intersects Grand boulevard and concourse, thence northwardly along Grand concourse to Cross Bronx expressway, to Carter avenue, to East Tremont avenue, to Marmion avenue, to Cross Bronx expressway, to Fulton avenue, to Crotona Park south, to Franklin avenue, to East One Hundred Sixty-ninth street, to Boston road, to Third avenue, to East One Hundred Sixty-fifth street, to Webster avenue, to East One Hundred Sixty-sixth street, to Sheridan avenue, to East One Hundred Sixty-second street to the place of beginning.

86. Eighty-sixth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Third avenue and One Hundred Fifty-ninth street intersect thence northwardly along Third avenue to East One Hundred Sixty-third street, to the intersection of East One Hundred Sixty-third street, to Boston Road and Third avenue, thence northwardly along Boston road to East One Hundred Sixty-ninth street, to Franklin avenue, to Crotona Park South to Fulton avenue, to Cross Bronx expressway, to Marmion avenue, to Elsmere place, to Southern boulevard, to Cross Bronx expressway, to Sheridan expressway, to East One Hundred Seventy-third street, to Vyse avenue, to Home street, to Hoe avenue, to East One Hundred Sixty-seventh street, to Prospect avenue, to Westchester avenue, to East One Hundred Fifty-eighth street, to Eagle avenue, to East One Hundred Fifty-ninth street, to St. Ann's avenue, to East One Hundred Fifty-eighth street, to Brook avenue, to East One Hundred Fifty-ninth street, to the place of beginning.

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87. Eighty-seventh district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where East One Hundred Forty-ninth street and East One Hundred Forty-ninth street extended southerly intersects the waters of the East river, thence northerly along East One Hundred Forty-ninth street extended and East One Hundred Forty-ninth street to Prospect avenue, to East One Hundred Sixty-seventh street, to Hoe avenue, to Home street, to Vyse avenue, to East One Hundred Seventy-third street, to West Farms road, to East One Hundred Seventy-fourth street, to a point where a vertical line to the New Haven and Hartford railroad would intersect, thence southerly along the New Haven and Hartford railroad to a point where a vertical line from the New Haven and Hartford railroad intersects the Bronx river, thence southerly through the waters of the Bronx river to a point where a vertical line from the Bronx river would intersect Bruckner boulevard, thence westerly along Bruckner boulevard to Whittier street, to Garrison avenue, to Hunt's Point avenue, to the intersection of Hunt's Point avenue, Lafayette avenue and Coster street, thence southerly along Coster street to Spofford avenue, to Manida street, to Randall avenue, to Tiffany street, thence southerly along Tiffany street and Tiffany street extended southerly through the waters of the East river, thence westerly through the waters of the East river to the place of beginning.

88. Eighty-eighth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Fordham road extended intersects the waters of the Harlem river, thence eastwardly along Fordham road extended and Fordham road to Jerome avenue, to East Kings Bridge road, to East One Hundred Ninety-fourth street, to Decatur avenue, to Fordham road, to Washington avenue, to East One Hun-

dred Eightieth street, to Park avenue, to East Tremont avenue, to Carter avenue, to Cross Bronx expressway, to Grand Concourse, to East One Hundred Eighty-first street and West One Hundred Eighty-first street, to Grand avenue, to West Burnside avenue, to University avenue, to West Tremont avenue, and West Tremont avenue extended to the waters of the Harlem river, thence northwardly through the waters of the Harlem river to the place of beginning.

89. Eighty-ninth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where East Tremont avenue intersects Park avenue, thence northwardly along Park avenue, thence northwardly to East One Hundred Eightieth street, to Washington avenue, to Fordham road, thence eastwardly along Fordham road and Bronx and Pelham expressway, to Wallace avenue, to Lydig avenue, to Bogart avenue, to Brady avenue, to Bronxwood avenue and Muliner avenue, to Rhinelander avenue, to Unionport road, to Morris Park avenue, to East One Hundred Seventy-seventh street, to Bronx River avenue, to Harrod avenue, to East One Hundred Seventy-fourth street, to Sheridan expressway, to Cross Bronx expressway, to Southern boulevard, to Elsmere place, to Marmion avenue, to East Tremont avenue, to the place of beginning.

90. Ninetieth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Tiffany street and Tiffany street extended southerly through the waters of the East river, thence northerly along Tiffany street extended and Tiffany street to Randall avenue, to Manida street, to Spofford avenue, to Coster street, to the intersection of Coster street, Lafayette avenue and Hunt's Point avenue, thence northerly along Hunt's Point avenue to Garrison avenue, to Whittier street, to Bruckner boulevard, to a point where

a vertical line from Bruckner boulevard intersects the Bronx river, thence northerly through the waters of the Bronx river to a point where a vertical line from the Bronx river intersects the New Haven and Hartford railroad, thence northerly along the New Haven and Hartford railroad to a point where a vertical line from the New Haven and Hartford railroad intersects East One Hundred Seventy-fourth street, thence easterly along East One Hundred Seventy-fourth street to Harrod avenue, to Bronx River avenue, to the intersection of Bronx River avenue, Noble avenue and Mansion street, thence easterly along Mansion street to Beach avenue, to Guerlain street, to Leland avenue, to Archer street, to White Plains road, to Westchester avenue, to Hugh Grant circle, thence southerly and easterly and northerly to Westchester avenue, to Olmstead avenue, to Lafayette avenue, to East One Hundred Seventy-seventh street, to East Tremont avenue, to Miles avenue, to Logan avenue, to Lawton avenue, to Hollywood avenue and Hollywood avenue extended, to the East river, thence southwesterly through the waters of the East river to the point of beginning, including Rykers island, South Brother island and North Brother island.

91. Ninety-first district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Fordham road extended and Fordham road intersects the waters of the Harlem river, thence eastwardly along Fordham road extended and Fordham road to Jerome avenue to East Kings Bridge road to East One Hundred Ninety-fourth street, to Decatur avenue, to Fordham road, thence eastwardly along Fordham road to Bronx Park East to Allerton avenue, to Barker avenue, to Arnow avenue, to Bronx Park East, to East Two Hundred Fifth street, to Bainbridge avenue, to East Mosholu parkway North, to Jerome avenue, to West Mosholu parkway South, to Sedgwick avenue, to Hillman avenue, to Van

Cortlandt park South, to Broadway, to West Two Hundred Thirty-second street, to Irwin avenue, to West Two Hundred Thirtieth street, to Marble Hill avenue and Marble Hill avenue extended, to the county line of the county of Bronx and the county of New York, thence west and south along said line to the waters of the Harlem river thence southwardly through the waters of the Harlem river to the place of beginning.

92. Ninety-second district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Allerton avenue and Bronx Park East intersect, thence southerly along Bronx Park East, to Pelham parkway south, to Wallace avenue, to Lydig avenue, to Bogart avenue, to Woodmansten place, to Esplanade, to Pelham parkway south, to Williamsbridge road, to Pelham parkway north, to Laconia avenue, to Mace avenue, to Ten Broeck avenue, to Allerton avenue, to Throop avenue, to Adee avenue, to Brouck avenue, to Burke avenue, to East Gunhill road, to Westervelt avenue, to Waring avenue, to Tiemann avenue, to Bartow avenue, to Grace avenue, to East Two Hundred Twenty-second street, to Baychester avenue, to East Two Hundred Thirty-third street, to Paulding avenue, to East Two Hundred Twenty-seventh street, to Barns avenue, to East Two Hundred Twenty-third street, to White Plains road, to Magenta street, to Cruger avenue, to Burke avenue, to Bronx Park East, to Arnow avenue, to Barker avenue, to Allerton street, to the point and place of beginning.

93. Ninety-third district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Pelham road intersects the county line of the county of Westchester and the county of Bronx, then southerly along Pelham road and Shore road to Bronx and Pelham parkway to Eastchester road to Haswell street (Waters place) to Waters avenue to Chesbrough

avenue to Blondell avenue then northerly to Poplar street to Williams Bridge road to East Tremont avenue, thence northerly and westerly along East Tremont avenue, to Unionport road, to McGraw avenue, to Metropolitan avenue, to Hugh Grant circle, thence southerly around Hugh Grant circle, to Virginia avenue, to Westchester avenue, to White Plains road, to Archer street, to Leland avenue, to Guerlain street, to Beach avenue, to Mansion street, to intersection of Mansion street, Noble avenue and Bronx River avenue, thence westerly along Bronx River avenue to East One Hundred Seventy-seventh street, to Morris Park avenue, to Unionport road, to Rhinelander avenue, to Mulner avenue, to Brady avenue, to Bogart avenue, to Woodmansten place, to Esplanade, to Pelham parkway South to Williams Bridge road to Pelham parkway North, to Laconia avenue, to Mace avenue, to Ten Broeck avenue, to Allerton avenue, to Throop avenue, to Adee avenue to Bouck avenue, to Burke avenue, to East Gunhill road, to Westervelt avenue, to Waring avenue, to Tiemann avenue, to Bartow avenue, to Grace avenue, to East Two Hundred Twenty-second street, to Baychester avenue, to East Two Hundred Thirty-third street, to Byron avenue, to East Two Hundred Thirty-seventh street, to Matilda avenue, to East Two Hundred Thirty-sixth street, to Carpenter avenue, to East Two Hundred Thirty-third street, to Van Cortlandt park East, to the county line between the county of Westchester and Bronx county, thence easterly, northerly, easterly along the said county line as it winds and turns to the point of beginning.

94. Ninety-fourth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where Pelham road intersects the county line of the county of Westchester and the county of Bronx, then southerly along Pelham road and Shore road to Bronx and Pelham parkway, to Eastchester road, to Has-

well street, (Waters place) to Waters avenue, to Chesbrough avenue, to Blondell avenue, then northerly to Poplar street, to Williams-Bridge road, to East Tremont avenue, thence southerly and westerly along East Tremont avenue, to Unionport road, to McGraw avenue, to Metropolitan avenue, to Westchester avenue, to Olmstead avenue to Lafayette avenue, to East One Hundred Seventy-seventh street, to East Tremont avenue, to Miles avenue, to Logan avenue, to Lawton avenue to Hollywood avenue and Hollywood avenue extended to the East river, thence easterly through the waters of the East river to Long Island sound, thence northerly through the waters of Long Island sound to the point of beginning, also including High Island, Chimney Sweep Island, Hart Island, South Nonations, Bluazes, Green Flats, Rat Island, Hog Island, City Island, Big Town and Cuban Ledge.

95. Ninety-fifth district. That part of the county of Bronx within and bounded by a line described as follows: Beginning at a point where the county line between the county of Bronx and the county of New York intersects the waters of the Hudson river, thence northerly along said line to Marble Hill avenue, to West Two Hundred Thirtieth street, to Irwin avenue, to West Two Hundred Thirty-second street, to Broadway, to Van Cortlandt Park South, to Hillman avenue, to Sedgwick avenue, to West Mosholu parkway south, to Jerome avenue, to East Mosholu parkway north, to Bainbridge avenue north, to East Two Hundred Fifth street, to Burke avenue, to Cruger avenue, to Magenta street, to White Plains road, to East Two Hundred Twenty-third street, to Barns avenue, to East Two Hundred Twenty-seventh street, to Paulding avenue, to Two Hundred Thirty-third street, to Byron avenue, to Two Hundred Thirty-seventh street, to Matilda avenue, to Two Hundred Thirty-sixth street, to Carpenter avenue, to East Two Hundred Thirty-third

street, to Van Cortlandt Park East, to the county line between the county of Bronx and the county of Westchester, thence westerly along said line to the waters of the Hudson river, thence southerly through the waters of the Hudson river to the point and place of beginning.

96. Ninety-sixth district. That part of the county of Westchester consisting of the town of Greenburgh and that portion of the city of Yonkers bounded by a line described as follows: Beginning at a point where the center line of the right-of-way of the Putnam division of the New York Central railroad intersects Yonkers avenue, thence along Yonkers avenue to the Saw Mill River parkway, to Odell avenue, to North Broadway, to the boundary of the city of Yonkers and the town of Greenburgh, thence along such boundary to Central Park avenue, to Palmer road, to the center line of the right-of-way of the Putnam division of the New York Central railroad, thence along the center line of such right-of-way to the point of beginning.

97. Ninety-seventh district. That part of the county of Westchester consisting of the town of Eastchester and that portion of the city of Yonkers bounded by a line described as follows: Beginning at a point where the center line of the right-of-way of the Putnam Division of the New York Central railroad intersects the boundary of the city of Yonkers and Bronx county, thence along the center line of such railroad right-of-way to Palmer road to Central Park avenue, to the boundary of the city of Yonkers and the town of Greenburgh, thence along such boundary to the point where it intersects the boundary of the town of Scarsdale, thence along the boundary of the city of Yonkers and the town of Scarsdale to the point where such boundary intersects the boundary of the town of Scarsdale and the town of Eastchester, thence along the boundary of the city of Yonkers and the town of Eastchester to the point where such boundary intersects the boundary of the town of East-

chester and the city of Mount Vernon, thence along the boundary of the city of Yonkers and the city of Mount Vernon to the point where such boundary intersects the boundary of the city of Mount Vernon and Bronx county, thence along such boundary of the city of Yonkers and Bronx county to the point of beginning.

98. Ninety-eighth district. That part of the county of Westchester consisting of that portion of the city of Yonkers bounded by a line described as follows: Beginning at a point on the boundary of the city of Yonkers and Bronx county where the center line of the right of way of the Putnam Division of the New York Central railroad intersects such boundary, thence along the center line of such railroad right of way to Yonkers avenue, to the Saw Mill River parkway, to Odell avenue, to North Broadway, to the boundary of the city of Yonkers and the town of Greenburg, thence along such boundary extended to the waters of the Hudson river, thence through the waters of the Hudson river to the boundary of the city of Yonkers and Bronx county as extended, along such boundary to the point of beginning.

99. Ninety-ninth district. That part of the county of Westchester consisting of the town of Pelham, the city of Mount Vernon and that portion of the city of New Rochelle not included in the one hundredth assembly district.

100. One Hundredth district. That part of the county of Westchester consisting of the town of Mamaroneck, the part of the town of Rye which is included in the village of Mamaroneck, the eighth, ninth and twelfth election districts of the town of Harrison and the city of New Rochelle except Davids island, Goose island, the part of Glen island included within such city and the part of such city bounded by a line described as follows: Beginning at a point where Main street intersects the boundary of the

city of New Rochelle and the town of Pelham, thence along Main street to Church street, and along Church street to a point six hundred feet southerly of Pelham Road, thence due west to the easterly shore of Titus Mill pond, thence through the waters of Titus Mill pond, New Rochelle creek and the lower harbor, to a point on the southerly shore of Travers island at the boundary of the city of New Rochelle and the town of Pelham, thence along such boundary to the point of beginning.

101. One Hundred First district. That part of the county of Westchester consisting of the city of Rye, the town of Scarsdale, the second and sixth wards of the city of White Plains, the town of Rye except the part of such town included in the village of Mamaroneck and the town of Harrison except the eighth, ninth and twelfth election districts of said town.

102. One Hundred Second district. That part of the county of Westchester consisting of the towns of Pound Ridge, Bedford, New Castle, North Castle, Mount Pleasant and the first, third, fourth and fifth wards of the city of White Plains.

103. One Hundred Third district. That part of the county of Westchester consisting of the city of Peekskill and the towns of Lewisboro, North Salem, Somers, Yorktown, Cortlandt and Ossining.

104. One Hundred Fourth district. In Rockland county, the towns of Orangetown, Clarkstown, Haverstraw, Stony Point.

105. One Hundred Fifth district. In Orange county, the towns of New Windsor, Hamptonburgh, Blooming Grove, Cornwall, Highlands, Woodbury, Monroe, Chester, Warwick and Tuxedo together with the town of Ramapo in Rockland county.

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106. One Hundred Sixth district. In Orange county, towns of Wallkill, Crawford, Montgomery and Newburgh together with the cities of Middletown and Newburgh.

107. One Hundred Seventh district. Putnam county and in Dutchess county the towns of Fishkill, East Fishkill, Beekman, Pawling, Wappinger, Union Vale, Dover, Amenia, Washington, North East and Stanford and the city of Beacon.

108. One Hundred Eighth district. In Dutchess county, the towns of Poughkeepsie, LaGrange, Pleasant Valley, Hyde Park, Clinton, Rhinebeck, Red Hook, Milan and Pine Plains together with the city of Poughkeepsie.

109. One Hundred Ninth district. All of Ulster county except the towns of Wawarsing, Rochester, Gardiner and Shawangunk.

110. One Hundred Tenth district. Sullivan county, and in Orange county the towns of Deer Park, Mount Hope, Greenville, Wawayanda, Minisink, Goshen and the city of Port Jervis, and in Ulster county the towns of Wawarsing, Rochester, Gardiner and Shawangunk.

111. One Hundred Eleventh district. Columbia and Greene counties together with the towns of Coeymans, Westerlo, Rensselaerville, Berne, Knox and New Scotland in Albany county.

112. One Hundred Twelfth district. In Albany county, the towns of Bethlehem and Guilderland and in the city of Albany the first, fifth, sixth, seventh, eighth, ninth, tenth and eleventh election districts of the first ward, the thirteenth and fourteenth wards, the fourth and fifth election districts of the fifteenth ward, the fifth election district of the sixteenth ward and the first, second, third, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth election districts of the eighteenth ward of said city.

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113. One Hundred Thirteenth district. In Albany county, the town of Green Island; the fourth, fifth, sixth, seventh and seventeenth election districts of the town of Colonie; the city of Watervliet; in the city of Cohoes the fourth and sixth wards and in the city of Albany the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, seventeenth and nineteenth wards together with the second, third, and fourth election districts of the first ward, the first, second, third election districts of the fifteenth ward, the first, second, third, fourth, sixth, seventh, eighth election districts of the sixteenth ward and the fourth, fifth and sixth election districts of the eighteenth ward.

114. One Hundred Fourteenth district. In Rensselear* county, the towns of Schodack, North Greenbush, East Greenbush, Nassau, Stephentown, Sand Lake, Poestenkill, Berlin, Brunswick, Grafton, Petersburg, the city of Rensselaer and in the city of Troy the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, twelfth and eighteenth wards.

115. One Hundred Fifteenth district. Washington county and in Rensselaer county, the towns of Schaghticoke, Pittstown, Hoosick and in the city of Troy the tenth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth wards.

116. One Hundred Sixteenth district. In Schenectady county the towns of Rotterdam, Duanesburg, Princetown and in the city of Schenectady the eighth, twelfth and fourteenth wards together with, in Albany county, the town of Colonie except the fourth, fifth, sixth, seventh and seventeenth election districts of said town.

117. One Hundred Seventeenth district. In Schenectady county the towns of Niskayuna and Glenville and in the

* So in original. [Word misspelled.]

city of Schenectady the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, thirteenth wards of said city.

118. One Hundred Eighteenth district. Saratoga county together with the first, second, third and fifth wards in the city of Cohoes in Albany county.

119. One Hundred Nineteenth district. Warren and Essex counties together with the towns of Ausable, Black Brook, Saranac and Dannemora in Clinton county and the towns of Brighton and Franklin in Franklin county.

120. One Hundred and Twentieth district. Clinton county except the towns of Ausable, Black Brook, Saranac and Dannemora, and Franklin county except the town of Brighton and Franklin.

121. One Hundred Twenty-first district. St. Lawrence county.

122. One Hundred Twenty-second district. Herkimer and Hamilton counties together with Fulton county except for the city of Gloversville and the first and sixth election districts in the town of Johnstown.

123. One Hundred Twenty-third district. Montgomery and Schoharie counties together with the city of Gloversville and the first and sixth election districts of the town of Johnstown in Fulton county.

124. One Hundred Twenty-fourth district. Otsego and Delaware counties.

125. One Hundred Twenty-fifth district. In Broome county the towns of Vestal and Union and in the city of Binghamton the fourth and fifth wards.

126. One Hundred Twenty-sixth district. In Broome county, the towns of Lisle, Triangle, Nanticoke, Barker, Fenton, Chenango, Dickinson, Kirkwood, Conklin, Bing-

hamton, Maine and in the city of Binghamton first, second, third, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth wards of said city.

127. One Hundred Twenty-seventh district. Cortland and Chenango counties and in Broome county the towns of Sanford, Windsor and Colesville.

128. One Hundred Twenty-eighth district. Madison county, together with the towns of Verona, Vernon, Augusta, Marshall, Sangerfield, the first ward, second ward, third ward, and the third and fourth election districts in the fourth ward of the city of Rome in Oneida county.

129. One Hundred Twenty-ninth district. The towns of Boonville, Forestport, Remsen, Floyd, New Hartford, Kirkland, Deerfield, Steuben, Western, Trenton, Marcy, Whitestone, Westmoreland, Paris, Bridgewater and in the city of Rome the fifth, sixth and seventh wards and the first and second election districts in the fourth ward of said city in Oneida county.

131. One Hundred Thirty-first district. Jefferson county except the towns of Henderson, Adams, Rodman, Ellisburg, Lorraine and Worth and Lewis county.

132. One Hundred Thirty-second district. Oswego county except the towns of Granby, Hannibal, Schroeppel and Minetto together with the towns of Florence, Camden, Vienna, Annsville, Lee and Ava in Oneida county, and the towns of Henderson, Adams, Rodman, Ellisburg, Lorraine and Worth in Jefferson county.

133. One Hundred Thirty-third district. That part of Onondaga county including the towns of Cicero and Clay, the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, and twentieth election districts of the town of DeWitt, the first, second, third, fourth, fifth, sixth, seventh, twelfth, thir-

teenth and fourteenth election districts of the town of Salina, and in the city of Syracuse the fifth and fifteenth wards, the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth election districts of the fourth ward, and the first, second, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh election districts of the sixth ward.

134. One Hundred Thirty-fourth district. That part of Onondaga county including the towns of Camillus, Elbridge, Lysander, Marcellus, Skaneateles, Van Buren, the sixth, seventh, eighth, tenth, eleventh, twelfth, fifteenth and sixteenth election districts in the town of Geddes, the first, second, third, fourth, sixth, eighth, ninth, tenth, eleventh and twelfth election districts in the town of Onondaga, and in the city of Syracuse the twelfth and thirteenth wards, the fifth and eighth election districts of the tenth ward, and the third, fourth, eighth and ninth election districts of the eleventh ward of said city.

135. One Hundred Thirty-fifth district. That part of Onondaga county including the first, second, third, fourth, fifth, ninth, thirteenth, fourteenth and seventeenth election districts in the town of Geddes, the eighth, ninth, tenth, eleventh, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth election districts of the town of Salina, and in the city of Syracuse the first, second, third, seventh, eighth and ninth wards, the first election district of the fourth ward, the third election district of the sixth ward, the first, second, third, fourth, sixth and seventh election districts of the tenth ward, the first, second, fifth, sixth and seventh election districts of the eleventh ward, the first, second, third, and fourth election districts of the eighteenth ward of said city.

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136. One Hundred Thirty-sixth district. That part of Onondaga county including the towns of Fabius, Lafayette, Manlius, Otisco, Pompey, Spafford and Tully, the first, second, third, fourth, fifth, fifteenth, eighteenth and nineteenth election districts in the town of DeWitt, the fifth and seventh election districts in the town of Onondaga and in the city of Syracuse the fourteenth, sixteenth, seventeenth and nineteenth wards, and the fifth, sixth and seventh election districts of the eighteenth ward, and the Onondaga Indian reservation.

137. One Hundred Thirty-seventh district. Cayuga county together with the town of Groton in Tompkins county and the towns of Hannibal, Granby, Schroeppel and Minetto in Oswego county.

138. One Hundred Thirty-eighth district. Tioga county and Tompkins county except the town of Groton.

139. One Hundred Thirty-ninth district. Chemung county.

140. One Hundred Fortieth district. Steuben county.

141. One Hundred Forty-first district. Ontario, Yates and Schuyler counties.

142. One Hundred Forty-second district. Wayne and Seneca counties.

143. One Hundred Forty-third district. In Monroe county the towns of Irondequoit and Webster, together with the second, fourth, and seventeenth wards and the fifth and sixth election districts in the sixth ward of the city of Rochester; based on election districts for nineteen hundred sixty-four.

144. One Hundred Forty-fourth district. In Monroe county the towns of Penfield and Perinton and the seventh, eleventh, fifteenth, eighteenth and twenty-fourth

election districts in the town of Brighton, together with the eighteenth and twenty-second wards and the ninth and tenth election districts of the fifth ward, the first, second, third and fourth election districts of the sixth ward, the third, fourth, fifth, seventh, eighth, ninth, tenth election districts of the seventh ward, the eighteenth election district of the twelfth ward, first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth election districts of the sixteenth ward, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth election districts of the twenty-first ward in the city of Rochester; based on election districts for nineteen hundred sixty-four.

145. One Hundred Forty-fifth district. In Monroe county the town of Pittsford, in the town of Brighton the third, fifth, eighth, twelfth, sixteenth, nineteenth, twentieth, twenty-first, twenty-seventh, twenty-eighth, twenty-ninth, election districts together with that portion of the sixth election district in said town bounded and described by a line beginning at a point where Monroe avenue intersects the boundary of the town of Brighton and the town of Pittsford, thence northwesterly along Monroe avenue to the intersection of Orchard drive (Irving road) with Monroe avenue, thence northeasterly and easterly along Orchard drive and Irving road to the point of intersection of Orchard drive and the city line of the city of Rochester, thence southerly, easterly, northerly along said city line to the point of intersection with Emmons drive extended, thence easterly along Emmons drive extended, to Emmons drive to Clover street, thence southerly along Clover street to Allens Creek road, thence easterly along Allens Creek road to the intersection of Allens Creek road and the boundary of the town of Brighton and the town of Pittsford, thence southwesterly along said boundary line

to the intersection of Monroe avenue and said boundary line to the point of beginning, and in the city of Rochester the eighth and fifteenth wards, together with the first, fourth, fifth, sixth, eighth election districts of the third ward, first, second, third, fourth, fifth, sixth, seventh, eighth and tenth election districts of the fifth ward, first, second, sixth election districts of the seventh ward, first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth election districts of the twelfth ward, fifteenth and sixteenth election districts of the thirteenth ward, tenth election district of the sixteenth ward, first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth election districts of the twenty-first ward, first, third, fourth, fifth, sixth election districts and that portion of the second election district of the first ward bounded and described as follows: Beginning at a point where the Balitmore* and Ohio railroad Belt railroad intersects Lexington avenue to Dewey avenue, thence northerly along Dewey avenue to Driving Park avenue, thence easterly along Driving Park avenue to Dewey avenue, thence northerly on Dewey avenue to Selye terrace, thence westerly on Selye terrace to Lark street, thence southerly on Lark street to Driving Park avenue, thence westerly and northwesterly on Driving Park avenue to the point of intersection with the Baltimore and Ohio railroad. Belt railroad, thence southerly and westerly along the Baltimore and Ohio railroad Belt railroad to the point of beginning in the first ward of the city of Rochester; based on election districts for nineteen hundred sixty-four.

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* So in original. [Word misspelled.]

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146. One Hundred Forty-sixth district. In Monroe county the towns of Henrietta and Mendon and in the town of Brighton the first, second, fourth, ninth, tenth, thirteenth, fourteenth, seventeenth, twenty-second, twenty-third, twenty-fifth, twenty-sixth, thirtieth, thirty-first, thirty-second election districts and that portion of the sixth election district bounded and described as follows: Beginning at a point where Allens Creek road (Westfall road) intersects Monroe avenue, thence northwesterly along Monroe avenue to Roosevelt road, thence southwesterly along Roosevelt road to the intersection of Westfall road, thence easterly along Westfall road to the intersection of Monroe avenue and the point of beginning in said town, and in the city of Rochester the eleventh, fourteenth and twentieth wards together with the second, third, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth election districts of the third ward, first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth election districts of the thirteenth ward, second, third, fourth and sixth election districts of the twenty-fourth ward, eighth, and ninth election districts of the nineteenth ward in said city, based on election districts for nineteen hundred sixty-four.

147. One Hundred Forty-seventh district. In Monroe county the towns of Chili, Clarkson, Gates, Ogden, Riga, Rush, Sweden, Wheatland, and in the city of Rochester the tenth ward together with the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth election districts of the ninth ward, first, second, third, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second election districts of the nineteenth ward, first and fifth election districts of the

twenty-fourth ward and that portion of the second election district of the first ward bounded and described as follows: Beginning at a point where the Baltimore and Ohio railroad Belt railroad intersects Lexington avenue thence northerly and easterly along said railroad to the point where it intersects Driving Park avenue, thence northerly and westerly along Driving Park avenue to Mount Read boulevard, thence southerly along Mount Read boulevard to the intersection of the city line, as it curves southeasterly extended and Mount Read boulevard, thence northwesterly, southerly along said city line and said city line extended to a point on Lexington avenue where said line so extended would intersect, thence easterly along Lexington avenue to the point of beginning in that city; based on election districts for nineteen hundred sixty-four.

148. One Hundred Forty-eighth district. Orleans county and in Monroe county the towns of Greece, Hamlin and Parma, and in the city of Rochester the twenty-third ward, the seventeenth election district of the ninth ward and that portion of the second election district of the first ward bounded and described as follows: Beginning at a point where the city line of the city of Rochester (parallel and adjacent to Mount Read boulevard) as extended southerly would intersect Lexington avenue, thence westerly along Lexington avenue to the intersection of Lexington avenue and the city line of the city of Rochester, thence northerly and easterly along said city line until it reaches a point where the city line turns north and runs parallel and adjacent to Mount Read boulevard, thence southerly along said city line extended to the center of Mount Read boulevard, thence southerly along the center of Mount Read boulevard to Lexington avenue to the point of beginning in said city; based on election districts for nineteen hundred sixty-four.

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149. One Hundred Forty-ninth district. Genesee and Livingston counties.

150. One Hundred Fiftieth district. Allegany and Wyoming counties together with the towns of Portville, Olean and the city of Olean located in Cattaraugus county.

151. One Hundred Fifty-first district. That part of Niagara Falls in Niagara county within and bounded by a line beginning at a point where Walnut avenue and Walnut avenue extended to the Niagara river, thence easterly along Walnut avenue extended and Walnut avenue to Second street, to Main street, to Ferry avenue, to Hyde Park boulevard, to Belden place, to Thirty-sixth street, to Packard road, to Pine avenue, thence easterly along Pine avenue to the city line of the city of Niagara Falls, thence northwesterly along said city line and said city line extended to the Niagara river thence southerly through the waters of the Niagara river to the place of beginning together with the towns of Niagara, Lewiston, Porter, Wilson, Newfane, Somerset, Hartland and Tuscarora Indian reservation in Niagara county.

152. One Hundred Fifty-second district. That part of Niagara Falls in Niagara county within and bounded by a line beginning at a point where Walnut avenue and Walnut avenue extended intersects the Niagara river, thence easterly along Walnut avenue extended and Walnut avenue to Second street, to Main street, to Ferry avenue, to Hyde Park boulevard, to Belden place, to Thirty-sixth street, to Packard road, to Pine avenue, thence easterly along Pine avenue to the city line of the city of Niagara Falls, thence southerly along said city line to the Niagara river, thence westerly and northerly through the waters of Niagara river as it winds and turns to the place of beginning; together with that part of the town of Wheatfield beginning at a point where the west town line of the town of Wheatfield,

Porter road and Niagara Falls boulevard intersect, thence southeasterly along Niagara Falls boulevard to the intersection of the connecting boulevard and Tonawanda creek, thence easterly through the waters of Tonawanda creek to the town line of the town of Wheatfield, thence northwesterly and southerly along said town line to the point of beginning. Together with the city of Lockport and the towns of Cambria, Pendleton, Lockport and Royalton.

153. One Hundred Fifty-third district. That part of the town of Tonawanda in the county of Erie within and bounded by a line described as follows: Beginning at a point where Delaware avenue intersects the south town line of the town of Tonawanda, thence northerly along Delaware avenue to Traverse boulevard, to Colvin boulevard, to Sheridan drive, to the Erie railroad, to the north town line of the town of Tonawanda, thence westerly, southerly and easterly along said town line as it winds and turns to the place of beginning; together with the city of Tonawanda, the town of Grand Island and that part of the Tonawanda Indian reservation within the county of Erie; and together with that part of the town of Wheatfield in the county of Niagara within and bounded by a line described as follows: Beginning at a point where the west town line of the town of Wheatfield. Porter road and Niagara Falls boulevard intersect, thence easterly along Niagara Falls boulevard to the south town line of the town of Wheatfield, thence southerly and westerly along said town line and said town line extended to the waters of Tonawanda creek and the Erie canal, to the Niagara river, thence northerly and westerly through the waters of the Niagara river to a point where the west town line of the town of Wheatfield extended intersects the waters of the Niagara river, thence northerly along said town line extended and said town line as it winds and turns to the point of beginning; together with the city of North Tonawanda in the county of Niagara.

154. One Hundred Fifty-fourth district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Military road and the north city line of the city of Buffalo intersect, thence southerly along Military road, to Hinman street, to Elmwood avenue, to Hertel avenue, to Main street, to the north city line of the city of Buffalo, thence westerly along said city line to the place of beginning; together with that part of the town of Tonawanda in the county of Erie within and bounded by a line described as follows: Beginning at a point where Traverse boulevard and Delaware avenue intersect, thence southerly along Delaware avenue to the south town line of the town of Tonawanda, thence easterly, northerly and westerly along said town line as it winds and turns to the Erie railroad, thence southerly along the Erie railroad to Sheridan drive, thence westerly along Sheridan drive to Colvin boulevard, to Traverse boulevard, to the place of beginning.

155. One Hundred Fifty-fifth district. That part of the town of Cheektowaga in the county of Erie within and bounded by a line described as follows: Beginning at a point where Cayuga road intersects the north town line of the town of Cheektowaga, thence southerly along Cayuga road, to Farmingdale road, to Union road, to George Urban boulevard, to Harlem avenue, to Genesee street, to the west town line of the town of Cheektowaga, thence northerly and easterly along said town line to the place of beginning; together with the town of Amherst.

156. One Hundred Fifty-sixth district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Broadway intersects the east city line of the city of Buffalo, thence westerly along Broadway to Deshler street, to Amity street, to Peck street, to Grimes street, to Milburn street, thence southerly along Milburn street and Milburn street

extended to William street, to Babcock street, to Clinton street, to Fillmore avenue, to South Division street, to Smith street, to Eagle street, to Jefferson avenue, to South Divsion street, to Michigan avenue, to Eagle street, to Main street, thence southerly along Main street and Main street extended to the waters of the Buffalo river, thence westerly through the waters of the Buffalo river to the waters of Lake Erie, thence southerly through the waters of Lake Erie to a point where the south city line of the city of Buffalo intersects the waters of Lake Erie, thence easterly and northerly along said city line extended and said city line to the place of beginning.

157. One Hundred Fifty-seventh district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Broadway and Deshler street intersect, thence easterly along Broadway to the Belt Line railroad, to Walden avenue, thence along Walden avenue to Best street, to Jefferson avenue, to East Delavan avenue, to Main street, to Virginia street, to Michigan avenue, to Genesee street, to Main street, to Eagle street, to Michigan avenue, to South Division street, to Jefferson avenue, to Eagle street, to Smith street, to South Division street, to Fillmore avenue, to Clinton street, to Babcock street, to William street, to a point where William street and Milburn street extended intersect, thence northerly along Milburn street extended and Milburn street to Grimes street, to Peck street, to Amity street, to Deshler street, to the place of beginning.

158. One Hundred Fifty-eighth district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Military road intersects the north city line of the city of Buffalo, thence southerly along Military road, to Grant street, to Scajaquada creek, to Rees street, to Forest avenue, to Claremont avenue, to Potomac avenue, to Richmond

avenue, to Wadsworth street, to Allen street, to College street, to Virginia street, to Michigan avenue, to Genesee street, to Main street, thence southerly along Main street and Main street extended to the Buffalo river, thence westerly through the waters of the Buffalo river, Buffalo harbor and lake Erie, thence northerly through the waters of the Niagara river, to a point where the Niagara river and the the north city line of the city of Buffalo intersect, thence easterly along said city line to the place of beginning.

159. One Hundred Fifty-ninth district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Military road intersects the north city line of the city of Buffalo, thence southerly along Military road to Grant street, to Scajaquada creek, to Rees street, to Forest avenue, to Claremont avenue, to Potomac avenue, to Richmond avenue, to Wadsworth street, to Allen street, to College street, to Virginia street, to Main street, to East Delavan avenue, to Bailey avenue, to a point where Sutton lane extended intersects Bailey avenue, thence westerly along Sutton lane extended and Sutton lane to Main street, to Hertel avenue, to Elmwood avenue, to Hinman street, to Miltary road, thence northerly on Military road; to the place of beginning.

160. One Hundred Sixtieth district. That part of the city of Buffalo in the county of Erie within and bounded by a line described as follows: Beginning at a point where Broadway intersects the east city line of the city of Buffalo, thence westerly along Broadway to the Belt Line railroad, to Walden avenue, to Best street, to Jefferson avenue, to East Delavan avenue, to Bailey avenue to a point where Bailey avenue and Sutton lane extended intersect, thence westerly along Sutton lane extended and Sutton lane to Main street, to the north city line of the city of Buffalo, thence easterly and southerly along said city line to the place of beginning.

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161. One Hundred Sixty-first district. That part of the city of Lackawanna in the county of Erie within and bounded by a line described as follows: Beginning at a point where the north city line of the city of Lackawanna intersects the Baltimore and Ohio railroad, thence southerly along the Baltimore and Ohio railroad to South Park avenue, to Kirby avenue, thence westerly along Kirby avenue and Kirby avenue extended to the South Buffalo railroad, thence southerly and southwesterly along the South Buffalo railroad to the south city line of the city of Lackawanna, thence easterly, northerly and westerly along said city line as it winds and turns to the place of beginning; together with that part of the town of Cheektowaga in the county of Erie within and bounded by a line described as follows: Beginning at a point where Union road intersects the south town line of the town of Cheektowaga, thence northerly along Union road to George Urban boulevard, to Harlem avenue, to Genesee street, to the west town line of the town of Cheektowaga, thence southerly and easterly along said town line as it winds and turns to the place of beginning; and together with the towns of Orchard Park and West Seneca.

162. One Hundred Sixty-second district. That part of the town of Cheektowaga in the county of Erie within and bounded by a line described as follows: Beginning at a point where Cayuga road intersects the north town line of the town of Cheektowaga, thence southerly along Cayuga road, to Farmingdale road, to Union road, to the south town line of the town of Cheektowaga, thence easterly, northerly and westerly along said town line to the place of beginning; together with the towns of Clarence, Newstead, Alden, Lancaster, Elma, Marilla, Aurora, Wales, Colden, Holland and Sardinia.

163. One Hundred Sixty-third district. That part of the city of Lackawanna in the county of Erie within and

bounded by a line described as follows: Beginning at a point where the waters of Lake Erie are intersected by the north city line of the city of Lackawanna extended, thence easterly, southerly and easterly along said city line extended and said city line to South Park avenue, to Kirby avenue, thence westerly along Kirby avenue and Kirby avenue extended to the South Buffalo railroad, thence southerly and southwesterly along the South Buffalo railroad to the south city line of the city of Lackawanna, thence westerly along said city line and said city line extended to the waters of Lake Erie, thence northerly through the waters of Lake Erie to the place of beginning; together with the towns of Hamburg, Evans, Eden, Boston, Concord, Collins, North Collins, Brant and that part of the Cattaraugus Indian reservation within the county of Erie.

164. One Hundred Sixty-fourth district. That part of Cattaraugus county which includes the towns of Hinsdale, Ischua, Lyndon, Farmersville, Freedom, Yorkshire, Machias, Franklinville, Humphrey, Allegany, Carrollton, Red House, Salamanca, Little Valley, Great Valley, Ellicottville, Ashford, East Otto, Mansfield, Otto, Napoli, Conewango, Cold Spring, Randolph, South Valley, that part of Allegany Indjan Reservation located in Cattaraugus county, and that part of Chautauqua county which includes the towns of Ellicott, Poland, Carroll, Kiantone and the city of Jamestown.

165. One Hundred Sixty-fifth district. That part of Chautauqua county which includes the towns of Ripley, Mina, French Creek, Clymer, Sherman, Westfield, Portland, Chautauqua, north Harmony, Harmony, Busti, Ellery, Stockton, Pomfret, Sheridan, Dunkirk, Hanover, Arkwright, Charlotte, Gerry, Ellington, Cherry Creek, Villenova and the city of Dunkirk, and that part of the county of Cattaraugus which inclues the towns of Perrysburg, Dayton, Persia, Leon and New Albion.

Appendix B.

ARTICLE 4—SEPARABILITY; CONSTRUCTION; SAVING CLAUSE

Section 401. Separability.

402. Construction.

403. Saving clause.

§ 401. Separability. 1. If any part or provision of this act relating to any district described in article two or article three of this act shall be adjudged invalid by a court of competent jurisdiction, such judgment shall: (1) be confined in its operation to the part or provision of this act or the district or districts directly involved in the controversy in which such judgment shall have been rendered, (2) not affect or impair the validity of the remaining parts, provisions or districts, and (3) not affect or impair the validity of the remaining apportionment or districting provided for in this act. The legislature hereby declares that it would have enacted this act or such remaining parts, provisions or districts had the invalidity of such part, provision or district been apparent at the time of such enactment.

§ 402. Construction. 1. This act shall be liberally construed to effectuate the purposes thereof and to apportion and district this state in compliance with the order of the federal court.

2. It is intended that this act and the districts described herein completely encompass all the area within the state. It is also intended that such districts apportioned on the basis of nineteen hundred sixty citizen population, contain all the citizens resident in this state. It is further intended that the apportionment and districting provided for in this act result in the creation of districts containing substantially equal citizen population. It is also intended that no senate district shall include any of the area included within the description of any other senate district. It is

also intended that no assembly district shall include any of the area included within the description of any other assembly district.

§ 403. *Saving clause.* 1. If the districts described in this act do not carry out the purposes thereof, because of unintentional omissions; duplications; overlapping areas; erroneous nomenclature; lack of adequate maps or descriptions of political subdivisions, wards, election districts or other divisions thereof, or of their boundary lines; street closings, changes in names of streets, or other changes of public places; alteration of the boundary or courses of waters or waterways, filling in of lands under water, accretion or other changes in shorelines; or alteration of courses, rights of way, or lines of public utilities or other conditions, then the secretary of state, at the request of any citizen or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature, or other defects in the description of districts so as to accomplish the purposes and objectives of this act.

2. In promulgating such orders, the secretary of state, in addition to achieving substantial equality in the population of districts and insuring that all areas of the state are completely and accurately encompassed in such districts, shall be guided by the following standards:

a. Gaps in the description of any district shall be completed in a manner which results in a total description of that district in a manner which is consonant with the description of adjacent districts and results in complete contiguity of districts.

b. Areas of the state included within the descriptions of more than one district shall be allocated to the district having the lowest citizen population.

c. Areas of the state not included within the descriptions of any district shall be allocated to the adjacent district having the lowest citizen population.

d. In the event that the area subject to corrected description or allocation as provided in paragraphs a, b or c of this subdivision is of such size or contains such population that its inclusion as a unit in any district would result in a gross disparity in the size, shape or population of such district, then the secretary of state may allocate portions of such area to two or more districts.

e. In any allocation of area or correction of descriptions made pursuant to this section, the secretary of state shall consistent with the foregoing standards, preserve the contiguity and compactness of districts and avoid the unnecessary division of political subdivisions.

3. Copies of such orders shall be filed by the secretary of state in his own office and in the office of the affected boards of election. In addition, a copy of such order shall be served upon the citizen or candidate, if any, who instituted the application for such an order. The secretary of state may adopt reasonable rules regulating the procedure for applications for orders under this section in the manner of serving and filing any notice or copy of orders relating thereto.

4. Upon the filing of such an order, the description of any affected district shall be deemed to have been corrected in the manner provided in such order to the full extent as such correction had been contained in the original description set forth in this act.

* * *

Appendix C.

STATE OF NEW YORK

COURT OF APPEALS

OPINION

Unrevised and Uncorrected. Not For Publication.

Sup. Ct. No. 140. 65

In the Matter of

the Petition of Jerome T. Orans,

Respondent-Appellant,

to

Review Chapters 976, & ors. of the Laws of 1964, Apportioning and Districting the Senate and Assembly of the State of New York,

Nelson A. Rockefeller, Governor & ors., &c.,

Appellants-Respondents.

(and another proceeding)

DESMOND, CH. J.:

These are proceedings brought by citizens pursuant to section 4221, Unconsolidated Laws, to review five statutes (L. 1964, chs. 976, 977, 978, 979 and 981) enacted at an extraordinary session of the Legislature held in December, 1964, and which set up four separate plans for apportioning and districting the State Senate and Assembly. The petitions list numerous alleged illegalities in various provisions of the challenged 1964 statutes including an asser-

tion that such laws cannot be passed at a special session and an assertion that each of the four plans violates the State Constitution in that each established an Assembly of more than 150 members whereas the State Constitution in article III, section 2, says: "The assembly shall consist of one hundred and fifty members."

After a trial at Supreme Court, Special Term, the court in an opinion and order which discussed many other issues posed by the parties declared the five statutes and their four constituent apportionment-districting plans to be unconstitutional in their entirety but on one ground only, viz., that each plan calls for an Assembly of more than the 150 members prescribed by article III, section 2, New York State Constitution. The court held that nothing in earlier Federal court decisions hereafter referred to affects or abolishes the command of article III, section 2, State Constitution, that there be a 150-member Assembly and that the 150 Assemblymen requirement remains valid, subsisting and effective. Other points argued by the parties were treated in the court's opinion and order but the only two real holdings were: first, that it was not illegal for the Legislature to deal with such matters at an extraordinary or special session; and, second, that the number of Assemblymen (variously 165, 180, 186 and 174) specified in the four challenged plans, being in excess of 150, conflicted with the Constitution so that the statutes were completely invalid, regardless of other attacks.

These same two questions are before us on these appeals (the appeal of respondent State officers is as to the second holding, petitioner's cross appeal is as to the first). Since the appeal presents only questions as to the constitutional validity of statutes, it comes direct to us and not to the Appellate Division (CPLR, §§ 5601-5622).

We hold to be in full effect that flat, positive and unmistakable command of the State Constitution that there be

150 members of the State Assembly. Since each of the four plans violates that command, each plan and all five statutes are invalid. It follows, as we shall explain later on in this opinion, that it is up to the Legislature now to enact a new districting-apportionment statute. As soon as reasonably possible thereafter, a Constitutional Convention should be called into being.

A brief description of the extensive and complicated litigations which bring us to the present impasse will now be attempted. In March 1962 (the Tennessee case, *Baker* v. *Carr,* 369 U. S. 186) the United States Supreme Court held that the Federal courts have subject-matter jurisdiction as to a lawsuit brought to assert that a State legislative representation statute denies the right of citizens to equal protection of the laws, and that a qualified voter has standing to maintain such a suit. Such a suit (entitled *WMCA* v. *Simon*) had been brought in the Federal court to obtain a judgment that New York's apportionment laws violated the Federal Constitution and had been dismissed for non-justiciability by a three-judge District Court (202 F. Supp. 741), but the Supreme Court (*WMCA* v. *Simon,* 370 U. S. 190 [June 1962]) vacated the dismissal and remanded the case to the District Court for further consideration "in the light of *Baker* v. *Carr*". On remand the three-judge Federal District Court held that the New York State's then apportionment laws were valid (*WMCA, Inc.* v. *Simon,* 208 F. Supp. 368). The decision was appealed and the victory was short-lived. On June 15, 1964, there were handed down the Supreme Court's series of State apportionment decisions, beginning with the master case of *Reynolds* v. *Sims* (377 U. S. 533) and including the *WMCA* case, now entitled *WMCA, Inc.* v. *Lomenzo* (377 U. S. 633). The Supreme Court applied to New York its rule, announced on the same day in *Reynolds* v. *Sims,* that both houses of a bicameral legislature must under the Fourteenth Amendment's guaranty of equal protection of

the laws, be apportioned substantially on an equal population basis. Examining the complicated formula provided in sections 3, 4 and 5 of article III of New York's Constitution, and the statistics as to population and vote in the New York State Senate and Assembly Districts, the highest court decided that the existing apportionment (under 1950 census figures) is, and any reapportionment applying the formulae to 1960 census returns would be, so unequal as to Assembly and Senate District populations as not to be constitutionally sustainable, and that the formulae in the State Constitution necessarily resulted in gross disparities, with comparatively less representation for the populous counties and favoritism to the less populous counties. The Supreme Court, therefore, again remanded the *WMCA* case to the District Court for further proceedings consistent with the Supreme Court's opinion in the *WMCA* and *Reynolds* v. *Sims* litigations.

The Supreme Court's second *WMCA* opinion ended with this paragraph:

> "We find it inappropriate to discuss questions relating to remedies at the present time, beyond what we said in our opinion in *Reynolds*. Since all members of both houses of the New York Legislature will be elected in November 1964, the court below, acting under equitable principles, must now determine whether, because of the imminence of that election and in order to give the New York Legislature an opportunity to fashion a constitutionally valid legislative apportionment plan, it would be desirable to permit the 1964 election of legislators to be conducted pursuant to the existing provisions, or whether under the circumstances the effectuation of appellants' right to a properly weighted voice in the election of state legislators should not be delayed beyond the 1964 election. We therefore reverse the decision below and remand the case to the

District Court for further proceedings consistent with the views stated here and in our opinion in *Reynolds* v. *Sims.*"

We emphasize at this point that neither the Supreme Court nor the District Court ever said or suggested that the 150-member Assembly limitation was unconstitutional or even involved in the Federal constitutional problems solved in the *WMCA* case, and that, absent such a holding of Federal unconstitutionality, the limitation remains intact. In its opinion in the master case of *Reynolds* v. *Sims* (377 U. S. 533, *supra*), the Supreme Court had said (p. 584):

> "State constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible."

More specifically in *Reynolds* v. *Sims* (p. 581, fn. 63) the high court wrote this: "Determining the size of its legislative bodies is of course a matter within the discretion of each individual State. Nothing in this opinion should be read as indicating that there are any federal constitutional maximums or minimums on the size of state legislative bodies." True it is that in describing the New York legislative malapportionment the Supreme Court (*WMCA Inc.* v. *Lomenzo*, 377 U. S. 633, 654, *supra*) used this language: "With the size of the Assembly fixed at 150, with a substantial number of Assembly seats distributed to sparsely populated counties * * *." Appellants would have us read this as a holding by the Supreme Court that the 150 figure is so much and so integral a part of the total New York

apportionment scheme that the numerical fixation for Assembly membership falls with the rest. We do not so construe that passing reference in the court's description of the State plan. Nor did the Federal District Court so read it when (as hereafter described) the *WMCA* case came to it for the third time. The three-judge court wrote this (—— F. Supp. ——):

> "In short, as far as the Federal Constitution is concerned, all the provisions of Article III of the State Constitution relied on by plaintiffs are still operative. Moreover, these provisions are limited in their application only to the extent that they are in unavoidable conflict with the decision of the Supreme Court in *WMCA, Inc.* v. *Lomenzo, supra,* or with the July 27, 1964 order of this court. If, as the State suggests, these provisions of Article III are inseparably intertwined with the 'constitutional formulas' condemned by the Supreme Court, so that all must fall together, this would be a consequence of state law rather than federal law",

and quoted this from *Reynolds* v. *Sims:* "State constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible" (377 U. S., p. 584). Surely this concept permits and requires the preservation of the "150 assemblymen" provisions voted into our State Constitution by the people of this State.

Summing up as to the impact on New York apportionment of *Reynolds* v. *Sims* and *WMCA, Inc.* v. *Simon* (*Lomenzo*), we say that the Federal tribunals invalidated

New York's legislative apportionment laws because of these factors only; the distribution to underpopulated counties of a large number of Assembly seats without regard to population, plus the ratios provided for Senate seats, both producing the result that neither House was apportioned so as to result in a "one man, one vote" districting.

We return to the *WMCA* case and its third appearance before the Federal District Court. The court directed that the Legislature enact before April 1, 1965 (since extended to May 5, 1965) a valid apportionment scheme. Then followed the New York Legislature's special session of 1964 and its enactments. The several statutes passed by the Legislature at the special session and signed by the Governor (each law amending the one enacted before it and each violating the 150-member Assembly provision) embodied different plans now called, for convenience and in order of enactment, A, B, C and D. Plan D, passed last and so being the one favored by the Legislature, was taken up first by the Federal District Court when it got the *WMCA* case back before it. None of the four plans were found to violate the canon: "one man, one vote". But plans D, C and B were all invalidated by the District Court on these grounds: plan D is unconstitutional because it used 1962 voter figures instead of population figures and also because it provided for fractional voting by legislators; plan C because of fractional voting provisions; and plan B because it used voter figures instead of population. This left for consideration by the three-judge court plan A which is the one contested in the present suit and which does not offend in either of the ways that B, C and D do but which does violate the 150-member Assembly provision of article III, section 2, State Constitution. The Federal District Court declined to pass on any of the remaining objections stated as to plan A in the *WMCA* case, holding

in effect that these were for the State courts to pass on. This the Federal District Court emphasized when it wrote in its order of February 16, 1965:

> "1. Article III of the New York State Constitution is invalid under Amendment XIV of the United States Constitution only to the extent that its provisions are in unavoidable conflict with the decisions of the United States Supreme Court in *WMCA, Inc.* v. *Lomenzo,* 377 U. S. 633 (1964) and with the order of this court dated July 27, 1964."

There was left then for the New York State courts in the present proceedings this question: are any of the provisions of article III of our State Constitution, in addition to those directly passed on by the Federal courts in the *WMCA* case, in "unavoidable conflict with the Fourteenth Amendment" (Equal Protection Clause) of the Federal Constitution? More specifically and pointedly the question is: how much of article III necessarily falls? No one doubts that, absent "unavoidable conflict" with Federal Constitution law as expressed in *Reynolds* v. *Sims* and *WMCA* v. *Simon,* our article III as enacted by the people of New York State not only subsists but is controlling on the Legislature in passing any reapportionment redistricting laws.

We have already stated our conclusion that nothing in the Federal (*WMCA*) decisions abolishes the 150-member provision of our State Constitution. Therefore, we should consider it our duty to save it as a clearly separate and severable item (see *People ex rel. Alpha Portland Cement Co.* v. *Knapp,* 230 N. Y. 48, 60-63). "Our right to destroy is bounded by the limits of necessity. Our duty is to save, unless in saving we pervert." That striking language of Judge Cardozo's *Alpha Cement* opinion is surely no less applicable to a Constitution than to a simple statute. Of course, if the 150 limitation were an inseparable part of

the larger plan, it could not be saved, but there is no real evidence that it was. Each of our State Constitutions including the first (1777) has prescribed the number of Assemblymen. An 1801 New York constitutional amendment fixed Assembly membership at 100 but ordered that such membership be increased by two each year until a total membership of 150 be reached. Such was the origin of the 150 figure which was, however, not actually arrived at until the Constitution of 1894. From the 1821 Constitution until that of 1894 the number of Assembly members had remained at a constant 128. It was the 1894 Constitution which contained for the first time the elaborate and complex formulae which the Supreme Court struck down as calculated to effect, and effecting, discrimination. Isolated floor speeches and committee reports excerpted from the minutes of the 1894 Convention do not prove that the increase to 150 Assemblymen was directly related to anything other than the increase in the State's population or that it was so central to the formulae as to be inseparable from them. The 150-member provision is stated separately and must be treated separately.

The only other justification for excising the 150-member constitutional provision would be a showing that the Supreme Court's mandate for equally populated districts could not be obeyed if the Assembly districts numbered exactly 150. No such showing is made or can be made. Difficulties there will be as we will mention later in another connection but there is no impossibility.

We could put a period to this report at this point but we are aware that an affirmance here produces pressing necessity for new legislation. The court should not refrain from giving such guidance as is appropriate for the enactment of a new apportionment-districting act.

The first of the additional questions to be considered arises from the objection that the 1964 statutes were in-

valid because passed not at a regular session but at a special session of the Legislature. Special Term in the decision here appealed from ruled that passage of such legislation at a special session was not forbidden. We agree. In article III, sections 4 and 5 do in terms require reapportionment at a "regular session" but in the only decision of this court on the point we said that the reference to a regular session merely fixed the time and did not limit the power of the Legislature (*Matter of Reynolds*, 202 N. Y. 430, 443-444). Also, it is useful to note that the 1953 reapportionment (the most recent except for that of 1964) was voted at a special session. The 1953 apportionment was upheld in *Matter of Richardson* (307 N. Y. 269) and since no point was made of its having been passed at a special session, it would appear that counsel and the courts assumed that invalidity did not result from that circumstance.

What other parts, if any, of sections 3, 4 and 5 of article III remain binding? First taking up section 5, the unconstitutionality found by the United States Supreme Court relates almost entirely to the second paragraph of that section and to the provision in the first paragraph that each county no matter how small shall have an Assembly member. We see no reason why the balance of section 5 should not be obeyed, especially its requirement that Assembly Districts be "compact * * * convenient and contiguous", and including so far as possible all the other directions in the fourth paragraph of section 5. Section 3 of article III of the Constitution, insofar as it delimits the Senate Districts, is completely void. Of course, also, the apportionment and locating of Senate Districts by the 1964 statutes falls with the invalidated Assembly districting in the same 1964 statutes since the Constitution (art. III, § 5) says that the apportionment of Assembly Districts and Senate Districts must be "by the same law * * *." The third para-

graph of section 4 which permits the increase of State Senate Districts above 50 is still alive (see *Matter of Fay*, 291 N. Y. 198) except, of course, that it too is subject to the requirement that districts must be substantially equal in population. The long full paragraph at the beginning seems still to be applicable except possibly the prohibitions in its last two sentences which should, however, be respected if it be mathematically possible so to do and still obey the "one man, one vote" basic rule.

The districting outlawed by the United States Supreme Court as well as all former districtings of this State use the county as the basic unit into which both Assembly and Senate Districts are molded, but it is patent that under the new rules the integrity of all the counties in these respects cannot be complete. This means not only that it will be impossible to give each county at least one full Assembly District but also that the boundaries of districts cannot in all instances be co-terminal with county borders. Also, the fourth paragraph of section 5 of article III, giving local legislatures the power to draw Assembly District lines in counties having more than one Assembly District must go by the board, since in some instances part of an Assembly District will have to be in one county and part in another. However, the historic and traditional significance of counties in the districting process should be continued where and as far as possible.

As to the suggestion that we should leave redistricting to the Federal courts, a large part of the answer is in article III, section 1, State Constitution, which says: "The legislative power of this state shall be vested in the Senate and Assembly" and in the directives found in sections 4 and 5 of article III. There is no doubt that reapportionment is within the legislative power with the exercise thereof being subject to constitutional regulation and limitation (see *Matter of Sherrill* v. *O'Brien*, 188 N. Y.

185, 195, as confirmed in *People ex rel. Simon* v. *Bradley*, 207 N. Y. 592, 610). In *Reynolds* v. *Sims* (377 U. S. 533, 586, *supra*), the Supreme Court said that "legislative reapportionment is primarily a matter for legislative consideration and determination, and * * * judical relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so." That says two things: that the power to apportion is generally legislative, and, second, that the Federal courts intervene only out of necessity—that is, when a State apportionment has been held Federally unconstitutional and the State Legislature has failed to pass pass a valid apportionment. That must necessarily mean not that the Federal courts are to do the apportioning when the State apportionment violates the Federal Constitution but that the Legislature is under an obligation to reapportion and that the Federal courts move in only as a last resort.

In saving as much as possible of our article III we are not thwarting but carrying out the will of the people of this State. To turn the whole thing over to the Federal courts would be abdication of the State's sovereignty. To say that apportionment must wait until a constitutional amendment be passed would mean that in the considerable intervening time there would be no apportionment law at all in the State. Since the Federal courts have already held that the present legislators came into office last year pursuant to a districting which was constitutionally void, the result might be not only that the State would have no apportionment law at all but that we might have no Legislature since the three-man Federal court has ruled that the present Legislature is only being allowed to sit on condition that *it* promptly pass a new apportionment statute. The courts of this State and especially our court are part of the government of the State and we have our own obliga-

tion to do what we can to keep in existence the necessary elements of State government.

An elaborate formula for allocation of Assembly and Senate seats (such as that of 1894) is not an inseparable part of our State Constitution. The very first (1777) Constitution fixed the minimum number of Assemblymen, provided that they were to be chosen annually by counties and allocated the number of Assemblymen for each of the 15 then existing counties (art. IV). The same Constitution said that seven years after the end of the Revolutionary War a census should be taken and that if the 1777 apportionment of Assemblymen was found to be not in proportion to the number of electors in each county, the legislators should make such an apportionment according to the number of electors in each county, and similarly every seven years thereafter. Likewise, in article XII of the 1777 Constitution, four Senate Districts were formed each comprising several counties and a certain number of Senators was assigned to each district with similar provisions for reapportioning according to the number of electors every seven years. These were the apportionment provisions of the 1777 Constitution. Similarly, the Constitutions of 1821 and 1846 simply provided for a division of the State into a fixed number of Assembly and Senate Districts and an assignment of numbers of members in proportion to the number of electors. Thus, for the first century and more of the State's existence we had in effect a "one man, one vote" policy of apportionment and it was not until 1894 that the Constitution set up the discriminatory formulae now invalidated by the United States Supreme Court.

The Special Term opinion and order listed a number of Assembly and Senate Districts as to each of which, so the court thought, there was a prima facie showing of failure to comply with subsisting provisons of article III.

The court stated also that issues of fact had been raised as to what the court called "the use of the gerrymander" and that these issues of fact would have to be tried if our court were to reverse the main holdings above referred to. Since affirmance by us would completely remove from the statute books the whole of the four 1964 plans and since an entirely new districting statute would be necessary, we think it inappropriate to pass any comment on these statements in the Special Term order and opinion.

The order should be affirmed, without costs.

BERGAN, J. (concurring):

The decision at Special Term holding the Assembly may not be enlarged beyond 150 members by legislative enactment must be affirmed. But the limitations of the New York Constitution on legislative power to reapportion districts goes well beyond a mere numerical change in the Assembly districts.

There are other constitutional requirements of equally uncomprising specificity. It is provided, e.g., that each county "shall always be entitled to one member of assembly"; that apportionment of more than one Assembly district within a county shall be by the local legislative body; that no county shall be divided in the formation of a Senate district (N. Y. Const., art. III, §§ 4 and 5).

The Legislature owes its existence to the Constitution. All of its powers, and the limitations on its powers, spring from it. No residual power to make structural changes in its own organization or in other branches of the government set up by the Constitution is vested in the Legislature. These basic structures may be altered only by the approval of the People (art. XIX, § 1).

The fact that the Federal government has now declared that the New York Constitution is invalid as in conflict

with the United States Constitution in the way it apportions the Legislature does not create a new kind of ultra-constitutional power to establish a different basic pattern of representation. The People of New York retain the sole power to do this; and it has not been vested by them in the Legislature even to meet an emergency created by the Federal decisions.

The view expressed in the opinion in *Reynolds* v. *Sims* (377 U. S. 533, 586), that legislative reapportionment is "primarily" a matter "for legislative consideration and determination" adds nothing affirmative to the state powers distributed and controlled by constitutional language. Nor does the doctrine of construction by which we should save a clearly separate or separable item in a constitution or a statute (*People ex rel. Alpha Portland Cement Co.* v. *Knapp*, 230 N. Y. 48, 60-63), create a power which is not there.

The theory on which the Court now assumes that the Legislature may pass an apportionment statute inconsistent with the Constitution is that those restrictive constitutional portions have been held invalid by the Supreme Court and that this vacuum in some manner vests affirmative power in the Legislature to make different arrangements of apportionment. The assumption runs against the long history and tradition of federalism in the United States.

To say that New York, one of the states which formed the Federal government itself, is to derive a power over the reconstruction of its own government from the intimations of the judicial branch of the Federal government as to what powers its Legislature ought to have is both revolutionary doctrine and a constitutional anachronism.

We must, of course, yield to the weight of Federal power holding portions of our Constitution invalid. But power to establish substitutes in the structure of the New York

government rests only in the People of New York by constitutional revision with whatever risk this implies that if the time necessary to revise the Constitution moves too slowly in the judgment of the Federal court that court will affirmatively implement its decision.

If, as this Court is now holding, the Legislature cannot increase the number of Assembly districts beyond 150 because the Constitution expressly states this number, it is reasonable to think that it has no power, either, to overrun other constitutional limitations expressed with equal solemnity.

VAN VOORHIS, J. (dissenting):

Executing the mandate of the United States Supreme Court in *WMCA, Inc.* v. *Lomenzo*, 377 U. S. 633, the three Judge District Court decreed July 27, 1964:

> "The scheme of legislative apportionment of the State of New York is hereby declared to be unconstitutional and void as being in conflict with the XIV Amendment of the Constitution of the United States * * *."

It seems to me to be too clear for argument that an "Assembly" consisting of 150 members was an inseparable part of the "scheme of legislative apportionment" which was thus struck down. This scheme of apportionment was established under subdivisions 5 of Article III of the State Constitution of 1894 by dividing the whole number of citizen inhabitants of the State by the number of members of the Assembly, viz., the number 150 fixed by subdivision 2. The language of Article III, subdivision 5, in the case of the Assembly, as of subdivison 3, for the Senate, demonstrates even if it had already not been made

certain by the Constitutional Convention,* that the number of 150 was selected as a necessary factor in the constitutional formula which was devised to maintain upstate supremacy. The petitioner and the petitioners-respondents would be the last to deny that rural ascendency was uppermost in the minds of the delegates who recommended the State Constitution in 1894, and this is of the essence of what was held to violate the United States Constitution by the Supreme Court in *WMCA, Inc.* v. *Lomenzo.* It is as certain as can be that an Assembly membership of 150 would not have been adopted except in conjunction with the ratio for apportionment in accordance with which the assemblymen were distributed throughout the State. In determining how much of a statute falls in the face of unconstitutionality the rule is that

> "* * * a provision inherently unobjectionable, cannot be deemed separable unless it appears both that, standing alone, legal effect can be given to it, *and that the legislature intended the provision to stand, in case others included in the act and held bad should fall.*" (*Dorchy* v. *Kansas,* 264 U. S. 286, 290, per Brandeis, J. [italics supplied]; *Lynch* v. *United States,* 292 U. S. 571, 586.)

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* The proponents of the new Article III in the 1894 Convention affirmed that the basic purpose of increasing the size of the Assembly from 128 to 150 was to obtain a particular distribution of legislative seats between rural counties and urban centers (See, e.g., Mr. Becker, Vol. 3, pp. 998, 999; Mr. Root [ibid. p. 1211] Conversely, the opponents noted unequivocally their conclusion that the size chosen for the Houses of the Legislature were part and parcel of an over-all scheme to deprive urban centers of their rightful portion of legislative power (See, e.g., Mr. Bush, Vol. 3, p. 1008, Mr. Osborn, ibid., p. 1038; Mr. Speer, ibid., p. 1091; Mr. W. Sullivan, ibid., 1102, 1103; Mr. Bowers, ibid., pp. 1134, 1137; Mr. Nicoll, Vol. 4, pp. 14 and 15).

Appendix C.

The New York State rule is the same, as held in the numerous New York decisions cited in McKinney's Consolidated Laws of New York, Book 2, pt. 1, § 48.

The same principle applies where a State Constitution conflicts with the U. S. Constitution.

There being 62 counties in the State, and one assemblyman allocated to each, it was necessary to have enough so that every county in the State could be represented, the number being set at 150 so that there would be enough left over (88, in fact) to save appearances but not so many as to jeopardize upstate control under a formula carefully devised to distribute them so as not to threaten dominance by the smaller counties. This formula was based on a "ratio for apportionment" which was to be "The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of Assembly" (i.e., the 150 mentioned in subdivision 2), and it was then provided that one member of Assembly should be apportioned to every county (including Fulton and Hamilton as one) containing less than the ratio and one-half over, two members to every other county, and the remaining members to the counties having more than two ratios.

This is the formula which the Supreme Court struck down, and the root of the formula is the ratio of apportionment which is the quotient obtained by dividing the citizen inhabitants of the State by 150. The number 150 is therefore the heart of the "scheme of legislative apportionment" which the Supreme Court declared to be unconstitutional. It would be playing fast and loose with the facts to assume that the number of 150 was arrived at independently of the formula in order to fix the numerical membership of the Assembly without regard to how they were to be distributed between upstate and downstate or among the more populous and less populous counties. Without the apportionment formula it is clear that the

number 150 would not have been prescribed which made possible compliance with the dominant traditional policy of assigning at least one assemblyman to each county, however small, and apportioning the rest in the areas where control was designed to be located. The 1894 Constitutional Convention has been criticized for accomplishing that result. The argument carries little weight that the Convention intended to set the number at 150 in order to focus control in the downstate counties and to deprive most of the rural counties of an assemblyman, which is the thrust of the decision at Special Term. It could only have been on such an assumption that the decision below was placed, since only on that basis could it be held that the Convention and the People would have made the size of the Assembly 150 without regard to the manner in which these assemblymen were to be apportioned except that the 150 were to be distributed by dividing the "counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be * * *." It attributes an intention to the delegates to the 1894 Constitutional Convention and to the people which is entirely different from and, indeed, opposite to that which they manifestly entertained, to consider that this figure was selected and apportionment made apart from the "ratio for apportionment" which was the key to the whole thing.

The intention to render these portions of the State Constitution inseparable is, of course, to be ascertained from the Constitution and Convention of 1894, but there can be little doubt that the former membership frozen at 128 by the Constitution of 1821 was known to have had the effect of limiting representation of the more populous counties nor, in my mind, is there any doubt that the number of 150 was adopted in 1894 with the same objective (See Ruth C. Silva: Apportionment of the New York Assembly, 31 Fordham L. R. 1-72, esp. pp. 2-13, esp. p. 5).

Appendix C.

As late as January of 1965 the plaintiffs in the Federal Court, who initiated the attack on New York's "scheme of legislative apportionment", conceded that the Legislature could change the size of the Assembly in order to correct the existing malapportionment. In the "Preliminary Memorandum in Support of Plaintiffs' Motion" filed in the District Court in January, 1965, they stated (pp. 14-15):

> "During the hearing last July, plaintiffs took the position that the provision governing the size of the Legislature was inseparably intertwined with the apportionment provisions which the Supreme Court had invalidated and that the Legislature is therefore free to alter the size of both houses * * *.
>
> We adhere to our prior position that a change in the size of the senate and assembly is permissible."

This statement was still in the brief which they submitted to Special Term as *amici* in the proceedings under review.

The same rule applies in measuring the reach of the decision in *WMCA, Inc.* v. *Lomenzo,* regardless of whether it be a federal or state question of law. It is appropriate to observe, however, that regardless of what deferential gestures the Supreme Court or the three judge District Court may have made to the State Court, the State legislative apportionment formula has been struck down as conflicting with the Federal Constitution, and it is therefore a federal question. Our State Constitution is invalid insofar as it conflicts with the Federal Constitution. It is true, as stated by the three judge District Court February 1, 1965, that all must fall together if the 150 member Assembly and other provisions of Article III "are inseparably intertwined with the 'constitutional formulas' condemned by the Supreme Court," but that cannot be a consequence of State law but is necessarily a consequence

of Federal law. What the District Court evidently meant was that it may be a matter for the State courts to decide in the first instance how much of Article III was stricken by the Supreme Court, and that it is for the States to revise their formulae in whatever manner they decide in conformity with the Supreme Court decision but this cannot alter the circumstances that the State Constitution is invalid to the extent that it conflicts with the Constitution of the United States. Whatever invalidity there be in it results from its conflict with the U. S. Constitution and, as in any other instances where a State statute or constitutional provision is claimed to conflict with the U. S. Constitution, it presents a Federal question and a Federal question alone whether such a conflict exists and the extent thereof. There cannot be a different law governing reapportionment depending upon whether it is done by the New York State Legislature or, in default thereof, by the Federal Courts in compliance with the command that the United States shall guarantee to every State a Republican Form of Government. In either event reapportionment must be accomplished in accordance with law, which means in conformity with the Constitution of the United States and any subsisting provisions of the State Constitution. The extent of the effect of the Federal Constitution, as interpreted by the Supreme Court, cannot present other than a Federal question.

The order appealed from should, in my view, be reversed.

* * * * * *

Order affirmed, without costs. Opinion by Desmond, Ch. J. All concur; Bergan, J., concurring in result in separate opinion; except Van Voorhis, J., who dissents and votes to reverse in an opinion.

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No. ~~1104~~ 85

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

WMCA, INC., R. PETER STRAUS, JOSEPH DEMAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. McCAFFERTY,

Plaintiffs-Appellants,

and

PAUL R. SCREVANE, President of the City Council of the City of New York; EUGENE H. NICKERSON, County Executive, Nassau County; and MAURICE J. O'ROURKE, JAMES POWER, Commissioners, Board of Elections, New York City,

Supporting Defendants-Appellants,

against

JOHN P. LOMENZO, Secretary of State of the State of New York; LOUIS J. LEFKOWITZ, Attorney General of the State of New York; FRANCIS X. O'ROURKE, Chairman, Board of Supervisors, Westchester County; WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County; and JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City,

Defendants-Appellees,

and

JOHN H. HUGHES and LAWRENCE M. RULISON,

Intervening Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MOTION TO DISMISS OR AFFIRM

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964.

No. 1104

WMCA, INC., *et al.*,

Appellants,

v.

JOHN P. LOMENZO, Secretary of State of the State of New York, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

MOTION TO DISMISS OR AFFIRM

Appellees Louis J. Lefkowitz and John P. Lomenzo, pursuant to Rule 16 of the Revised Rules of the Supreme Court of the United States, move to dismiss on the ground that the appeal is not within the jurisdiction of this Court, or, in the alternative, to affirm on the ground that the questions presented are so insubstantial as not to merit further argument.

STATEMENT

In December 1964 the New York State Legislature, as a result of the decision of this Court in *WMCA, Inc.* v.

Lomenzo, 377 U. S. 633, and an order of the District Court dated July 27, 1964, enacted four successive and alternative reapportionment Plans. By orders of January 26, 1965 and February 16, 1965, and a decision dated February 1, 1965, the District Court held that one of the Plans (Plan A) fulfills the requirements of the Federal Constitution, but invalidated the other three (Plans B, C and D). Appellees herein filed a Jurisdictional Statement in this Court on April 23, 1965 (October Term, 1964, No. 1099), appealing from so much of the District Court's orders as invalidated Plans B, C and D. Appellants herein filed a Joint Jurisdictional Statement on April 26, 1965, appealing from so much of the District Court's orders as upheld Plan A. This motion is addressed to that appeal.

On April 14, 1965, the New York State Court of Appeals held, in *Matter of Orans,* 15 N. Y. 2d 339, that Plan A violates one of the provisions of the prior New York apportionment scheme which was invalidated by this Court in the *WMCA* decision. A Notice of Appeal to this Court from the judgment of the New York State Court of Appeals was filed on May 5, 1965.

As a result of the foregoing decisions, New York State was faced with a situation in which the District Court had ordered a special election for the Fall of 1965, but the State court had invalidated the only apportionment statute (Plan A) which the District Court had previously found to be in compliance with the Federal Constitution. On May 10, 1965, the District Court directed that the 1965 election take place pursuant to Plan A as a stop-gap measure, and its order to this effect was entered on May 24, 1965.

The Joint Jurisdictional Statement herein asserts that it is merely being "filed by appellants in order to preserve their rights to challenge the validity of . . . [Plan A]

as violative of the Fourteenth Amendment." (J. S. at 3.)* It states that appellants expect to move to dismiss or affirm with respect to the appeals taken from the District Court's invalidation of Plans B, C and D, but that in the event this Court should note probable jurisdiction of that appeal, this appeal from the decision upholding Plan A would also be appropriate for the Court's consideration. (J. S. at 4.)

Appellants thus appear to be appealing on a conditional basis. Absent the noting of probable jurisdiction of the appeal relating to Plans B, C and D, appellants apparently do not propose to prosecute this appeal with respect to Plan A. Such an assertion of rights hardly demonstrates belief in the substantiality of this appeal.

ARGUMENT

I. Appellants' Allegations of Partisan Gerrymandering Do Not State a Claim upon Which Federal Relief Can Be Granted.

The District Court held that appellants' allegations of partisan gerrymandering in the New York reapportionment statutes did not raise questions under the Fourteenth Amendment to the United States Constitution. The District Court was clearly right in this determination, and the question does not merit further consideration by this Court.

The District Court's disposition of this issue was correct because (1) claims of partisan gerrymandering do not meet the criteria laid down by this Court for justiciability; and (2) even if the allegations of partisan districting had been established—which, of course, is not the case here—there would be no violation of the Fourteenth Amendment.

---

*Citations to "J. S." refer to appellants' Joint Jurisdictional Statement herein.

A. Claims of Partisan Districting Are Non-Justiciable.

Appellants' contention that the New York Reapportionment Compliance Act gerrymanders the State for partisan, political advantage does not present a justiciable issue. Justiciability is lacking because the question is clearly "political" in nature, and satisfactory criteria are lacking for its judicial determination. The Court is asked "to enter upon policy determinations for which judicially manageable standards are lacking." *Cf. Baker* v. *Carr,* 369 U. S. 186, 226 (1962).

This Court stated in part, in *Baker* v. *Carr,* 369 U. S. at 217, as its test for determining whether malapportionment of State legislatures presented a non-justiciable political question:

> "Prominent on the surface of any case held to involve a political question is found . . . a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion . . . ."

These criteria of non-justiciability clearly apply to questions as to gerrymandering. A claim that a judicially enforceable constitutional right exists necessarily implies that there are principles or rules derivable from the Constitution by which the validity of the claim can be judged, and which can be used in devising an effective remedy. There are, however, no judicially discoverable standards to be derived from the generalized guarantee of the Equal Protection Clause by which the courts may determine the proper shape of legislative districts. If such standards are to be devised, they will necessarily involve initial policy determinations of a legislative rather than a judicial nature.

From time to time various legislative standards designed to curtail partisan gerrymandering have been written into Federal statutes, *e.g.*, 37 Stat. 13 (1911), and State statutes or Constitutions, including portions of New York's prior apportionment scheme, Article III, §§ 4 and 5 of the New York Constitution. Such standards and the drawing of district lines pursuant to them must be derived from complex decisions seeking to accommodate competing State interests and, therefore, necessarily require an arbitrary resolution of conflicting policies and an exercise of legislative discretion.

Standards formulated to curtail gerrymandering are far different from those judicially applied, under the Equal Protection Clause, to malapportionment. As this Court has held, the Equal Protection Clause can be judicially interpreted to mean that State apportionment laws must provide equality of voting strength among voters. No such standard of equality exists, however, for judicially determining the shape of a legislative district. As stated in the Report of the New York Joint Legislative Committee on Reapportionment, dated December 15, 1964, at p. 6:

> "The plain fact is that the 47,929 square miles comprising the State of New York do not form the simple symetry of a checkerboard. Nor are the people of this State distributed among the counties on an equal population basis. Neither the geography, the topography nor the dispersion of the people of the State permit the creation of districts carved out with the neat precision of a cookie cutter."

This Court has been willing to review claims of racially motivated districting because of the express constitutional mandate of the Fifteenth Amendment that: "The right of citizens of the United States to vote shall not be denied or

abridged by the United States or by any State on account of race, color, or previous condition of servitude." The Court's decisions in such cases have been predicated solely on the specific requirements of the Fifteenth Amendment, and not on the Equal Protection Clause.

Thus, in *Gomillion* v. *Lightfoot,* 364 U. S. 339 (1960), the Court held that it was a violation of the petitioner's rights under the Fifteenth Amendment to district the town of Tuskegee, Alabama in such a way as to deny absolutely the right of the town's Negro population to vote in municipal elections. On the issue of justiciability, the Court held, 364 U. S. at 346-347:

> "When a legislature thus singles out a readily isolated segment of a racial minority for special discriminatory treatment, it violates the Fifteenth Amendment. In no case involving unequal weight in voting distribution that has come before the Court did the decision sanction a differentiation on racial lines whereby approval was given to unequivocal withdrawal of the vote solely from colored citizens. *Apart from all else, these considerations lift this controversy out of the so-called 'political' arena and into the conventional sphere of constitutional litigation."**

With respect to partisan districting, there is no express mandate such as the Fifteenth Amendment on behalf of the members of political parties. Moreover, since voters change their mind, unlike their race, there is not even a "readily isolated segment" of any political minority to simplify the determination and application of proper districting standards. Thus, unlike *Gomillion,* there is here no basis

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*Except as otherwise indicated, emphasis in quotations throughout this motion is supplied.

for lifting partisan gerrymandering controversies out of the political arena and into the area of constitutional litigation.

In the present case, the appellants apparently want this Court to write into the Fourteenth Amendment a set of specific standards to govern legislative districting, including requirements that districts be "convenient and compact" and adhere to "natural geographic and political subdivision boundaries." (J. S. at 3, question 2(a).) Such requirements are nowhere to be found in the language or history of the Fourteenth Amendment. They are not judicially discoverable and manageable standards, derived from the language of the Constitution, which the Federal courts are equipped to enforce in constitutional litigation. They are not the arithmetic standards utilized by the Court in evaluating the compliance of apportionment schemes with Equal Protection requirements.

The adoption of constitutional requirements of compactness and "convenience" of legislative districts, sought by the appellants, would not necessarily prevent partisan gerrymandering, which can be accomplished notwithstanding adherence to such requirements. Moreover, such requirements would present serious practical difficulties of enforcement. Topographical features such as hills, forests, bodies of water, transportation arteries, parks and business and industrial areas do not lend themselves to such requirements. In addition, such requirements are frequently inconsistent with competing standards such as adherence to political subdivisions, and the overriding requirement of equality of population among districts.

The other constitutional standard sought by the appellants, namely, adherence to "natural geographic and political subdivision boundaries," would also present serious

policy questions and difficulties of judicial enforcement. How are the Courts to determine from the Equal Protection Clause which subdivisions, i.e., counties, cities, towns, villages, or others, should comprise the district lines, and which should take priority in the event of conflict as between requirements for adherence to political subdivisions and competing requirements with respect to compactness, contiguity or population equality?

Moreover, standards adaptable to one State may be wholly inappropriate in another; and, in any event, with the several possible standards likely to conflict with each other in varying degrees from State to State, the adoption of such standards is best left to the policy determination of individual State legislatures.

This Court has recognized the possibility of a legitimate State interest in maintaining the integrity of political subdivisions insofar as possible, as well as providing for compact and contiguous districts. *Reynolds* v. *Sims,* 377 U. S. 533, 578-579 (1964). Recognition of this legitimate State interest, however, scarcely suggests a Federal constitutional mandate with respect to partisan districting.

Judicial remedies for gerrymandering are readily available in New York. Article III, Section 5, of the New York State Constitution provides:

> "An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same."

The utilization of this State remedy is demonstrated by *Matter of Richardson (Stark)*, 307 N. Y. 269 (1954), and the other New York gerrymandering cases there discussed. These New York cases illustrate, however, the difficulties in the judicial regulation of gerrymandering even when the courts were enforcing specific legislative standards.

The Federal judiciary, if it seeks to review the shape of State legislative districts, will assume an almost impossible burden. In large States such as New York, comprised of scores or even hundreds of legislative districts, it is inconceivable that the most dispassionate districting would not permit someone to make a persuasive argument that he has been politically disadvantaged. A judicial determination with respect to the shape of one district would not bar a suit by a resident of another district in the same State in respect of the same districting plan. Federal districting cases, if permitted at all, seem certain to be legion.

Moreover, if the courts attempted to review legislative districting they would enter a hopeless morass, in which they would be required to weigh map changes, shifting population densities, topographical constants and variables, competing considerations relevant to various political subdivisions, evidence of legislative motivation, and the interrelationship of all of these factors with respect to adjacent and neighboring districts. This is particularly true in a case like the present one, which challenges generally the entire districting of the State. Although apportionment cases lend themselves to a determination by a ready application of available statistics, districting cases would require value judgments among many competing variables, the strength of which would vary from case to case.

Such an unnecessary and inappropriate drain on the resources of the judiciary does not seem in the interest of

our legal system. Absent legislative standards of districting, it cannot profit the administration of justice to require the Federal courts, and particularly this Court, to form an essentially visceral reaction to each of the thousands of districts periodically subject to challenge throughout the 50 States.

B. Partisan Districting Does Not Violate the Equal Protection Clause of the Fourteenth Amendment.

The District Court followed established Federal law when it held that alleged gerrymandering of the New York State legislative districts, even if proved, would not violate the Equal Protection Clause. For this Court now to hold otherwise would be contrary to previous decisions, and to the history and purpose of the Equal Protection Clause.

It would be particularly unfortunate for this Court to enunciate a federally protected right against partisan districting in the context of a stop-gap reapportionment statute such as Plan A, enacted only as a temporary measure until a State constitutional apportionment amendment can be adopted.

This Court has never recognized a federally protected constitutional right against partisan districting. In *Wood* v. *Broom,* 287 U. S. 1 (1932), the Court refused to invalidate certain congressional districts in Mississippi. The petitioners charged that *an absence of compact, contiguous districts* violated the Equal Protection Clause (Transcript of Record, pp. 9-10), as well as Article I, Section 4 of the Federal Constitution and an expired 1911 Federal redistricting statute which had contained a specific requirement of compact, contiguous congressional districts. The Court

held that it was the intention of Congress in a subsequent 1929 reapportionment statute not to re-enact the statutory requirement of compact, contiguous districts. The Court did not even discuss the claim that such a requirement was imposed by the Equal Protection Clause. If that Clause had been considered by the Court to contain any basis for relief, the Court's determination that the Federal districting statute had expired would not have ended the Court's inquiry. No reason appears why the Equal Protection Clause should provide any greater relief with respect to State legislative districts than it did in the *Wood* case with respect to congressional districts.

As previously indicated, in the racial districting case of *Gomillion* v. *Lightfoot, supra,* the Court determined that Federal relief was available solely on the basis of the Fifteenth Amendment, although the petitioners asserted rights under the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Mr. Justice Whitaker, concurring, would have relied on the Equal Protection Clause, but the Court declined to invoke that provision even as to racial districting.

In *Wright* v. *Rockefeller,* 376 U. S. 52 (1964), although the appellants again pleaded the Fourteenth Amendment as well as the Fifteenth Amendment, the Court upheld the decision of the court below that the appellants had failed to prove that the apportionment of four congressional districts in New York City was improperly motivated by racial considerations, again solely pursuant to the express mandate of the Fifteenth Amendment.

In *Honeywood* v. *Rockefeller,* 376 U. S. 222 (1964), appellants alleged political gerrymandering as well as racial "gerrymandering." In dismissing the complaint, the District Court had stated, 214 F. Supp. 897, 902-903 (E.D.N.Y. 1963):

> "We are asked to wend our way through the streets of Brooklyn and across the Narrows to Staten Island and to conclude at the end of our journey that there is something unconstitutional lurking along the way. But the only thing we can be certain of is that a reduction in New York's Congressional seats was necessary, that the Legislature endeavored to create comparative equality of population in the state districts and that this was duly accomplished. Any other conclusion would be mere speculation. The process of prediction in the political area is fraught with difficulties, to which many unsuccessful candidates can most eloquently testify."

This Court affirmed the District Court's decision *per curiam,* solely on the basis of the *Wright* case, *supra,* despite the claim of partisan gerrymandering.

It is abundantly plain from historical materials that neither those who drafted the Fourteenth Amendment, nor the State Legislatures that ratified it, intended or contemplated that it would have application to the shape of legislative districts.

Partisan gerrymandering may, of course, place some members of a political party at a disadvantage. As this Court made clear, however, in *McGowan* v. *Maryland,* 366 U. S. 420, 425-426 (1961), not every disadvantage, intended or otherwise, amounts to a constitutionally proscribed inequality.

Under the one-man, one-vote principle the vote of every citizen goes the same distance towards electing (or failing to elect) a legislator as the vote of every other citizen of the State. This is true whether or not partisan districting exists. Where legislators are elected from districts by majority vote, 26% of the voters may elect 51% of the Legislature. This, too, is true whether or not partisan districting exists.

No one's vote is diluted by gerrymandering. No one's vote is debased. If the complaining voter has been consolidated with a large number of like-minded voters into a single district, he will probably have voted for a winning candidate. In such event he can only complain hypothetically that if he had been placed in some other district he might have voted for some other winning candidate. Under another form of gerrymandering a voter and his co-partisans may have been dispersed among several districts so that he is likely to vote for a losing candidate. That voter can only complain that if he had been placed in some other district he might have been more likely to vote for a winning candidate. In the absence of proportional representation someone always votes for a losing candidate.

This Court, quite obviously, cannot set quotas for registered party members in the State election districts; yet this, in effect, is what it would be doing if undertook to determine that the party mix in any district or districts was improper.

In the reapportionment decisions, it was not the interests of one political party or another that the Court sought to protect. Rather, it was the interests of voters as such, in all the areas of the State, whether they belonged to a majority party or a minority party. Legislators presumably represent their constituencies regardless of their party affiliation. On the other hand, voters' party affiliations change; and our history is replete with evidence that the more important the choice between the particular issues or candidates, the more meaningless the party label becomes. With good reason the Federal Constitution has not required particular allocations of political party populations among districts.

II. Legislative Apportionment on the Basis of Citizen Population Is Clearly Constitutional.

The Notice of Appeal of appellant Nickerson raises, as one of the questions presented by the appeal, whether Plan A of the New York State Reapportionment Compliance Act "is invalid under the Fourteenth Amendment of the United States Constitution in that the apportionment is based upon citizen population." This question is not repeated in appellants' Joint Jurisdictional Statement, although Question 3 in that document asks generally whether Plan A is "invalid as a violation of the Fourteenth Amendment." It is thus not clear whether appellants have abandoned their constitutional challenge to the citizen-population apportionment base used in Plan A. It is perfectly apparent, however, that any such challenge does not raise a substantial question.

Preliminarily, a serious question arises as to what standing any of the appellants has to challenge the citizen base, since none has alleged that he is not a citizen and is thereby aggrieved by the citizen base. *Baker* v. *Carr*, 369 U. S. 186, 204-208 (1962); *Tileston* v. *Ullman*, 318 U. S. 44 (1943).

Furthermore, any challenge to the citizen population base in the present case raises at best an academic question, since the District Court found as a fact, 238 F. Supp. 916, 925:

> "... a change from the citizen base to a resident base for legislative apportionment would have but little impact on the densely populated areas of New York State ... It would appear that New York's use of its traditional citizen population base, rather than a novel resident population base, affects all areas of the State substantially equally."

The citizen population base was written into the scheme of apportionment contained in the New York Constitution, adopted in 1894 (Article III, Sections 4 and 5), and was used even prior to that time. Although the present case was first brought in 1961, and has twice previously been argued before this Court, the constitutionality of the citizen base was never questioned prior to this challenge to the Reapportionment Compliance Act of December 1964, as amended, in which two of the Plans continue to employ the citizen base.*

The validity of the citizen base under the Equal Protection Clause is abundantly clear from this Court's reapportionment decisions. As the District Court noted, in upholding the citizen base in Plan A, 238 F. Supp. at 925:

> ". . . a crucial passage in Reynolds v. Sims, supra, 377 U. S. at 577, 84 S. Ct. at 1389, convinces us that 'population' may mean the total number of citizens as well as the total number of residents. The Supreme Court stated:
>
> > '[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.

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*Citizen population also provides the apportionment base for one or both houses of the legislatures of Maine, Nebraska, and North Carolina. MAINE CONSTITUTION, Art. IV, Pt. I, §§ 2, 3, Pt. II; NEBRASKA CONSTITUTION, Art. III, § 5; NORTH CAROLINA CONSTITUTION, Art. II, §§ 4-6. In addition, only those citizens who are registered voters have comprised the apportionment base for one or both houses of the legislatures of Massachusetts, Rhode Island, Tennessee, Texas, Arizona and Hawaii. MASSACHUSETTS CONSTITUTION, Amend. LXXI; RHODE ISLAND CONSTITUTION, Amend. XIX; TENNESSEE CONSTITUTION, Art. II, §§ 4-6; TEXAS CONSTITUTION, Art. III, § 25; ARIZONA CONSTITUTION, Art. IV, Pt. 2, § 1; HAWAII CONSTITUTION, Art. III, §§ 2-4.

> We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of *residents, or citizens, or voters.* Mathematical exactness or precision is hardly a workable constitutional requirement.' (Emphasis supplied)."

This Court also stated in *Reynolds,* 377 U. S. at 579:

> "Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any *citizen* is approximately equal in weight to that of any other *citizen* in the State."*

Similarly, in its prior consideration of this case, in *WMCA, Inc.* v. *Lomenzo,* 377 U. S. at 653, the Court stated:

> "However complicated or sophisticated an apportionment scheme might be, it cannot, consistent with the Equal Protection Clause, result in a significant undervaluation of the weight of the votes of certain of a State's *citizens* merely because of where they happen to reside."

In line with these pronouncements by the Court, a principal reason underlying the Legislature's adoption of the citizen population base in Plan A was the conclusion of the Citizens' Committee Report, at p. 12, that:

> "Sections 4 and 5 of Article III of the New York State Constitution provide for the apportion-

*Similar statements are contained in the *Reynolds* decision at pp. 534, 555, 556, 562, 563, 564 n. 41, 565-566, 567, 568, 576, 580, 581. See also *Baker* v. *Carr,* 369 U. S. at 208.

> ment of seats in the Legislature on the basis of citizen population. The Supreme Court, in *WMCA,* noted the State Constitution's exclusion of aliens from the population base, but did not make any adverse comment on this point. It would appear, therefore, that the continuance of the alien exclusion would raise no questions under the State and Federal Constitutions."

While a voter population base appears best to effectuate the one-man, one-vote principle, a citizen population base clearly comports more closely with that principle than the resident population base for which appellant Nickerson appears to be contending.* In accordance with the practice of the States generally, the New York Constitution (Article II, Section 1) grants the franchise only to citizens. Thus, in any State in which the choice between a resident base and a citizen base would produce a substantially different result, apportionment on a basis which includes non-citizens who cannot vote would have the same effect as weighting the votes of some voters more heavily than the votes of others. Only those who possess the franchise can be protected in its exercise.

In sum, the use of a citizen base is clearly constitutional, and the District Court found that its use is without significant practical consequence in this case. Any challenge to the citizen population base raises no question of substance, and merits no further consideration by this Court.

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*See Jurisdictional Statement in *Lomenzo, et al. v. WMCA, Inc., et al.*, October Term, 1964, No. 1099, at pp. 23-30, filed on April 23, 1965. The Report of the New York Joint Legislative Committee on Reapportionment, dated December 15, 1964, concluded, at p. 8, that "the use of citizens as a population base offers the only real alternative to the use of voters as the measure of population."

CONCLUSION

For the reasons stated the appeal should be dismissed, or, in the alternative, the judgment below should be affirmed with respect to the issues raised by this appeal.

Respectfully submitted,

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